

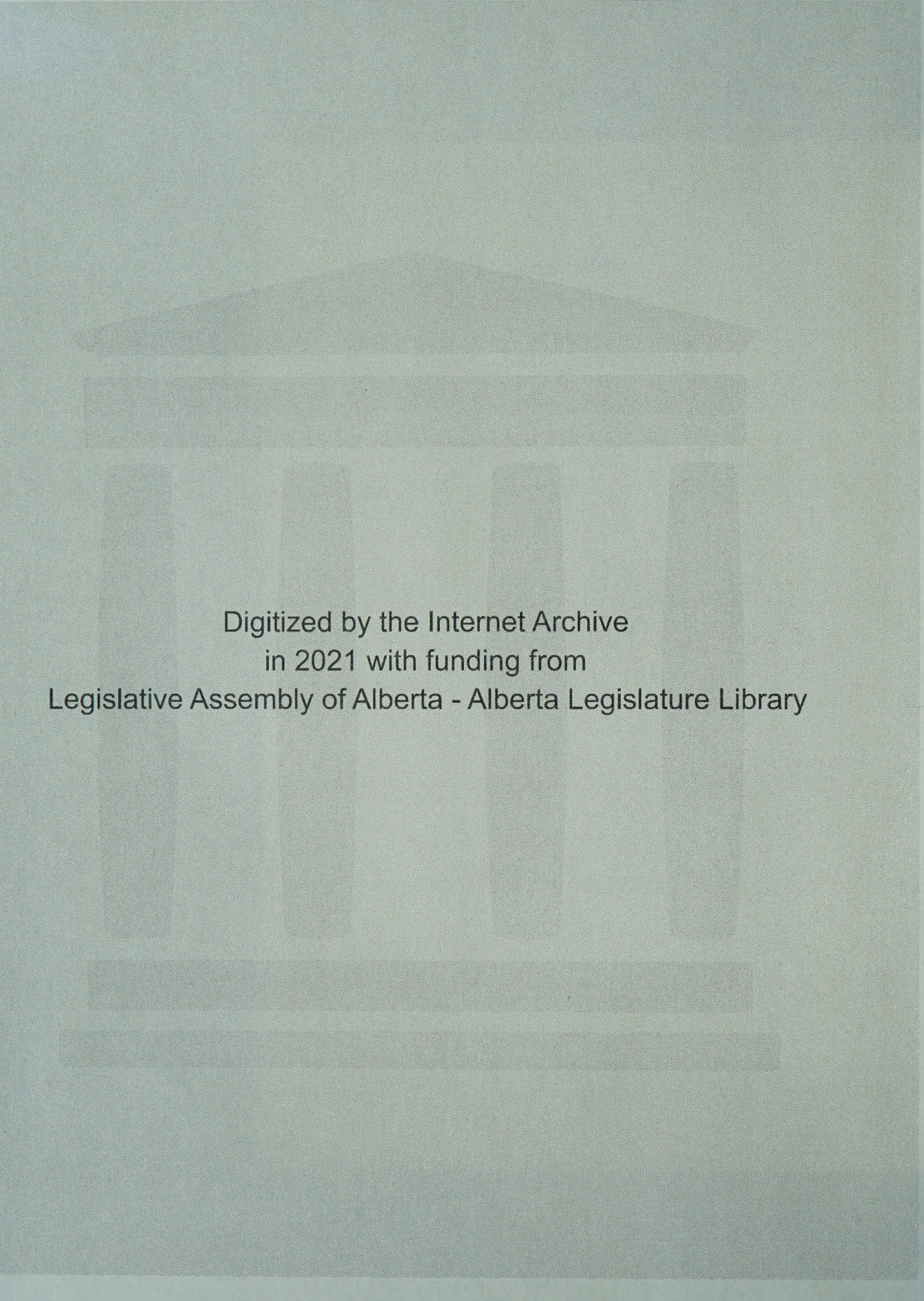
CA2 NTYX 21
O65
1885
c.2

Shelve near
Alberta
Statutes

ALBERTA LEGISLATURE LIBRARY^U



3 3398 00364 6071



Digitized by the Internet Archive
in 2021 with funding from
Legislative Assembly of Alberta - Alberta Legislature Library

C.2
4



LEGISLATURE LIBRARY

STORAGE

ORDINANCES

OF THE

NORTH-WEST TERRITORIES,

PASSED BY THE LIEUTENANT-GOVERNOR
IN COUNCIL,

LEGISLATURE LIBRARY

In the Session begun and holden at Regina, on the Fifth day of November
and closed on the eighteenth day of December, 1885.



HIS HONOR EDGAR DEWDNEY,
LIEUTENANT-GOVERNOR.

REGINA:

PRINTED BY NICHOLAS FLOOD DAVIN,
Printer to the Government of the North-West Territories.
835.

CONTENTS.

ORDINANCES OF 1885.

No.		PAGE.
1.	An Ordinance respecting section 21 of the N. W. Municipal Ordinance of 1884.	4
2.	“ to amend and consolidate the Municipal Ordinance 1884....	5
3.	“ to amend and consolidate the School Ordinance of 1884.....	64
4.	“ respecting Schools.....	103
5.	“ to amend the Administration of Civil Justice Ordinance of 1884	107
6.	“ respecting duties of clerks of courts.....	117
7.	“ to regulate the procedure in appeals in capital cases.....	117
8.	“ respecting exemptions from seizure.....	118
9.	“ to amend the Interpretation Ordinance.....	119
10.	“ respecting Legal Profession.....	120
11.	“ respecting Medical Profession.....	123
12.	“ respecting Poisons.....	126
13.	“ legalizing by-law of town of Regina.....	127
14.	“ legalizing by-law of Qu'Appelle Municipality.....	128
15.	“ to amend and consolidate Ordinance respecting infectious diseases of domestic animals.....	129
15.	“ to amend and consolidate Ordinances respecting fences.....	134
17.	“ to amend Ordinance No. 25 of 1884 respecting ferries.....	135
18.	“ to repeal No. 9 of 1883 respecting stolen horses.....	135
19.	“ to amend No. 4 of 1883 respecting partnerships.....	136
20.	“ to amend No. 1 of 1884 respecting herding of animals.....	136
21.	“ to amend and consolidate Ordinances respecting prairie fires..	136
22.	“ to amend No. 2 of 1879 respecting dangerous lunatics.....	138

CANADA,
NORTH-WEST TERRITORIES.



No. 1 of 1885.

An Ordinance to provide for the appointment of Deputy-Returning Officers for Municipal purposes, and to repeal Section 21 of the North-West Municipal Ordinance of 1884.

Passed 12th December, 1885

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Section twenty-one of the North-West Municipal Ordinance of 1884 is hereby repealed.
2. The Council of the Municipality shall at least one week prior to the last Monday in December by By-law appoint Deputy-Returning Officers, and define the districts or divisions within the Municipality.

where votes are to be polled; and the Clerk shall on or before the first day of polling, in case a poll is demanded, prepare and deliver to each Deputy-Returning Officer of each district or division a certified list of the persons entitled to vote in his polling division at such election together with a poll book.

3. This Ordinance shall cease to have effect from and after the first day of February, A.D. 1886.

No. 2 of 1885.

*An Ordinance to amend and Consolidate as amended
the Ordinance Respecting Municipalities of
1884.*

Passed 18 Dec. 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in council as follows:

1. Unless otherwise declared or indicated in this Ordinance, wherever any of the following words occur they shall have the meaning herein-after expressed, namely the word:

- (1) "Municipality" shall mean any locality, the inhabitants of which are incorporated, or are continued, or become so under this Ordinance.
- (2) "Council" shall mean the Municipal Council;
- (3) "Land" or "lands," "real estate" "real property," shall respectively include lands, tenements and hereditaments or all rights thereto or interest therein;
- (4) "Electors" shall mean the persons entitled for the time being to vote at any Municipal election or in respect of any By-law in the Municipality, ward or polling sub-division, as the case may be;
- (5) "Chairman" or "Mayor" shall mean the head of the Council, or the person elected to fill that position for the time being;
- (6) "Owner" or "proprietor" shall mean the person who has the ownership or use of any taxable property, or has an agreement for the purchase of the same;
- (7) "Occupant" denotes all persons who possess, hold or occupy any land under any title whatsoever, or even without a title, or are occupying lands of the Crown under any style of location, agreement or tenure whatever;
- (8) "Lot" shall mean the sub-division into which a piece or parcel of land has been divided for purposes of sale into smaller parcels and shall include the buildings and other improvements thereon.
- (9) "Resident" shall mean any male British subject over twenty-one years of age, who has been a free-holder or a house-holder within the area proposed to be established as a Municipality, for a period of three months next preceding the receipt of the petition

by the Lieutenant-Governor asking for the establishment of such Municipality, and so far as relates to the qualification of voters at the first election therein, for a period of three months next preceding the day of voting of such election.

2. In any part of the North-West Territories where the boundaries of Municipalities have not been declared by this Ordinance any number of residents within the area proposed to be incorporated, may petition the Lieutenant-Governor asking to be erected into a Municipality. The petition shall set forth:

- (1) The desire for Incorporation;
- (2) The area (not being less than two hundred square miles) describing the same;
- (3) The total number of residents within the area;
- (4) The proposed name;

3. And upon proof to the satisfaction of the Lieutenant-Governor that at least two thirds of the residents within the area and whose respective signatures have been duly and properly verified, and that public notice in three different places of such intended application has been given within the area, for at least two weeks previous to the receipt thereof by the Lieutenant-Governor and no opposition being offered to the establishment thereof and there appearing to him no just nor reasonable ground for refusing such incorporation, the Lieutenant-Governor shall proclaim the area a Municipality by the name proposed or some other suitable name. But if the allegations in such petition be disputed by any person or persons claiming to be residents within such area, on affidavit, stating the fact, or if it appear to the Lieutenant-Governor that the proposed boundaries of such Municipality are objectionable for any cause then the Lieutenant-Governor shall refer the petition and all matters connected therewith to the Council of of the North-West Territories to be by them dealt with.

4. The provisions of the preceding section shall apply to Municipalities, the boundaries of which have been declared by this Ordinance, provided that the name and boundaries thereof shall not be changed; and in each case the sum of one hundred dollars shall accompany a petition asking for incorporation, such sum shall be used to defray the expenses attending the erection of the Municipality, and any portion not expended for such purpose shall be, by the Lieutenant-Governor, paid to the Treasurer of the Municipality when formed.

5. From and after the issuing of the proclamation as aforesaid, the inhabitants of such Municipality shall become a body corporate under the name of "The Municipality of _____,"
(inserting the name of the Municipality) capable of suing and being

sued, and of acquiring, holding and conveying every description of property under the name of such Municipality.

6. Such proclamation shall set forth, in addition to the townships and ranges or parts thereof and lots in special survey included in said Municipality, the name of such municipality.

7. After the issue of the proclamation, the Lieutenant-Governor shall, by order, appoint a returning officer to hold the first election for Councillors or Mayor and Councillors, as the case may be.

8. The returning officer so appointed shall appoint an election clerk, who shall, in case of the absence or death of the returning officer, have all the powers of such returning officer.

9. The returning officer shall immediately, upon receipt of the order appointing him, endorse thereon the time of its receipt, and shall within one week thereafter issue and post up, in at least six conspicuous places within the limits of the Municipality, a proclamation calling for an election for the first council thereof, such proclamation to state the number of Councillors or Mayor and Councillors to be elected, the date and place of holding the nomination therefor, and the date and place or places of voting in case a poll is demanded, and the time and place for holding the first meeting of the council.

10. In case of the death or refusal to act of any person appointed by the Lieutenant-Governor under this Ordinance, he may appoint another.

11. The returning officer shall appoint a deputy-returning officer for each polling place within the Municipality and each deputy-returning officer may appoint a poll clerk.

12. All residents of the Municipality shall be entitled to vote at the first election.

13. At the request of any candidate or his agent, or any voter, the following oath shall be administered by the deputy returning officer to any person tendering his vote at such first election :

I do solemnly swear that I am a male British subject over twenty-one years of age : that I am a freeholder or householder, (*as the case may be*), in this Municipality, and have been such for a period of three months next preceeding the date of this election.

14. Any person residing in the Municipality and qualified to vote at the first election and not otherwise disqualified under the provisions of this Ordinance may be elected at such first election.

15. Except where herein otherwise provided, the proceedings at such first election and the duties of returning officer, deputy-returning officers and poll clerks relating thereto shall conform as nearly as possible to the proceedings at election for municipal councillors under this Ordinance.

16. The returning officer appointed by the Lieutenant-Governor shall attend at the first meeting of the Council and shall receive from the members thereof their certificates of election: and the oaths of office required to be taken by them, and, except in the case of cities and towns, shall preside at such meeting until the election by the Council of its chairman, and in case of a tie shall give a casting vote.

17. Municipal Councillors shall hold office until the thirty-first day of December next ensuing their election, except where the first election for the municipality takes place after the thirtieth day of June, in which case the councillors elected thereat shall hold office until the thirty-first day of December next ensuing the one following their election.

18. The first Council, if elected at any time after the first Monday in January, may by resolution or by-law, alter, extend or curtail the time within which or at, before or after which any act, privilege or duty is required to be done, exercised or performed by such Council or any of its officers or any other person.

19. Each Municipality of not more than four hundred square miles shall be entitled to, and elect five councillors, and each Municipality of more than four hundred square miles shall be entitled to, and elect seven councillors.

20. The persons qualified to vote at any election for municipal councillors after the first election, shall be male British subjects over twenty-one years of age who are assessed upon the last revised assessment roll of the Municipality, either in their own right or in the right of their wives for three hundred dollars or upwards, and whose names appear on the voters' list founded upon such roll.

21. The persons qualified to be elected Mayor or Councillor at any election after the first election shall be male British subjects over twenty-one years of age, residing in the Municipality and having at the time of the election, either in their own right or the right of their wives as proprietors or tenants, a legal or equitable freehold or leasehold or partly freehold and partly leasehold, or partly legal and partly equitable, rated in their own names on the last revised assessment roll of the Municipality to at least the value of six hundred dollars, and who are not otherwise disqualified under the provisions of this Ordinance.

22. The following persons are hereby declared to be disqualified for election as Mayor or Councillor under this Ordinance:

- (1) Any Sheriff or Sheriff's officer, or any officer of any court of law;
- (2) Any person having any contract with the Municipality or having any unsettled or disputed claim therewith;
- (3) Any officer of the North-West Government or any officer of the Municipality.

23. The Council shall at least one week prior to the last Monday in December by By-law appoint deputy-returning officers and define the districts or sub-divisions within the Municipality where votes are to be polled, and the clerk shall, on or before the day of polling, in case a poll is demanded, prepare and deliver to each deputy-returning officer of each district or sub-division, a certified list of the persons entitled to vote in his polling division at such election, at such places as the Council may name.

24. A meeting of the electors shall be called by the returning officer at some convenient place within the Municipality to be named by him on the last Monday in December; unless the same be a statutory holiday, then on the next ensuing day, for the purpose of nominating the required number of councillors to be named by the clerk in the notice calling the meeting, to serve as such for the term commencing on the first day of January following, and in case a poll is demanded, the election shall be held one week from nomination day, in the manner hereinafter provided.

25. At ten o'clock of the forenoon the returning officer shall declare the meeting open for the purpose of receiving nominations, and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified person or persons to serve as such Councillors, or Mayor and Councillors, and the meeting shall remain open until twelve o'clock when the returning officer shall declare as hereinbefore provided.

26. In the event of more than the required number of persons being duly qualified having been nominated for the Municipality or for any one or more of the wards, in case the Municipality is divided into wards the returning officer shall declare that a poll will be held in such Municipality or ward, naming the time, place, the deputy returning officer or deputy returning officers as the case may be appointed to hold the same.

27. If the returning officer should not attend the meeting called for the purpose of such nomination, the electors shall choose a chairman from amongst themselves, who shall have all the powers of a returning officer under this Ordinance. The chairman so chosen shall report the proceedings in writing to the returning officer, who shall act in such case as if he were personally present.

28. In case a poll is required the same shall be held one week from nomination day, in the manner hereinafter provided.

29. The returning officer shall, in case a poll is demanded, on the day of nomination post up in a conspicuous place the names and residences of the persons nominated, and shall, not later than the day following, post up in at least six conspicuous places in the Municipality or ward,

if the Municipality is divided into wards, the names of the candidates for such Municipality or ward, and the time and places for holding the poll for such election and deliver to the deputy returning officers a similar list.

30. Any candidate nominated may withdraw at any time after nomination and before the close of the poll on polling day, by filing with the returning officer a declaration in writing to that effect, signed by himself in the presence of the returning officer, a Justice of the Peace or a Notary Public, and any votes cast for any such candidate so withdrawn shall be null and void.

31. The poll shall be opened at nine o'clock in the forenoon, and shall be kept open until five o'clock in the afternoon of the same day, and all votes at such election shall be given between the said hours and in manner hereinafter provided.

32. Any person producing to the deputy returning officer at any time a written authority to represent a candidate as agent at a polling place, shall be recognized as such by the deputy-returning officer.

33. Any deputy-returning officer, candidate, agent or poll clerk who belongs to a polling division other than the one in which he is performing such duty shall be permitted to vote at the polling station where he is actually engaged in such duty, provided he produces a certificate from the clerk of the Municipality that he is a qualified voter in the Municipality.

34. Any voter may vote for as many candidates as are required to be elected at such election, but he shall not vote for any greater number, nor shall he vote more than once for the same candidate.

35. At the request of any candidate or his agent or of any voter, the following oath shall be administered by the deputy-returning officer, to any person tendering his vote at such election:—

“ You do solemnly swear (or affirm) that you are the person named or
“ purporting to be named by the name of ———, on the voters' list
“ now shown to you, that you are assessed for real or personal property
“ on the last revised assessment roll of the Municipality either in your own
“ right or in the right of your wife, or for income, for three
“ hundred dollars or upwards; that you have not before voted at this
“ election and that you have not received or been promised any consid-
“ eration whatsoever for voting at this election.”

36. It shall be the duty of the deputy-returning officer to receive the votes of the electors and see that the necessary entries are made in the voters' list and whenever required by any person authorized so to do administer to any voter the oath set forth in the next preceeding section.

37. Each deputy-returning officer may by writing, under his hand ap-

point a poll clerk, who, in the absence of such deputy-returning officer, or on his failure or inability to fulfil the duties required of him by this Ordinance, shall have all the powers of such returning officer.

Proceedings at Elections.

38. Whenever a poll is required under this Ordinance the votes shall be given by ballot in manner hereinafter set forth.

39. The clerk of the Municipality, or if it be a first election then the returning officer shall procure, or cause to be procured, as many ballot boxes as there are polling sub-divisions in the Municipality.

40. It shall be the duty of the clerk or of the returning officer as the case may be, at least two days before the day appointed for taking the votes of the electors in any Municipality to deliver one of the ballot boxes to every deputy-returning officer appointed for the purposes of the election.

41. After the election the ballot boxes shall be returned to the clerk of the Municipality, or if it be a first election, then to the returning officer, and by him delivered into the custody of the clerk so soon as one is appointed. The clerk shall be responsible for their custody and for their delivery when required.

42. If the clerk fails to furnish ballot boxes in manner herein provided he shall incur a penalty of one hundred dollars for every ballot box which he has failed to furnish in the manner prescribed.

43. It shall be the duty of the deputy-returning officer in every polling subdivision not supplied with a ballot box within the time prescribed forthwith to procure one, and he shall issue his order on the treasurer of the Municipality for the expense incurred by him therefor, and the treasurer shall pay to the deputy-returning officer the amount of the order.

44. The clerk shall also forthwith cause to be printed at the expense of the Municipality such a number of ballot papers as shall be sufficient for the purposes of the election.

45. In Cities or Towns where a Mayor and Councillors or Mayor and Aldermen, as the case may be are to be elected, one kind or set of ballot papers shall be prepared for Mayor, and another kind or set containing the names of the Councillors or Aldermen duly nominated for the ward, sub-division or Municipality, as the case may be.

46. Every ballot paper shall contain the names of the duly nominated candidates for the Municipality or for the ward or division, as the case may be and the names of the candidates shall be arranged on the ballot paper in alphabetical order.

47. The stubs only of the ballot papers shall be numbered, as in form No. 1 appended to this ordinance.

48. The clerk of the Municipality shall, before opening the poll, cause to be delivered to every deputy-returning officer the ballot papers, materials for marking the ballot papers and also the voters' lists which have been prepared for use in the polling sub-division to which he has been appointed to act.

49. It shall be the duty of the deputy-returning officer to provide a compartment at the polling place to which he is appointed to act, where the voters can mark their ballots screened from observation.

50. Each deputy-returning officer shall have power to appoint a constable to act at the place where an election is held and whose duty it shall be to maintain order at such polling place.

51. The clerk of the Municipality shall, before the opening of the poll cause to be delivered to each deputy-returning officer such number of printed directions for voting as he may think sufficient in order that each voter, entitled to, vote may have a copy, such printed directions shall be in form No 2 appended to this ordinance.

52. The deputy returning-officer shall, immediately before the commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock the box and properly seal the same to prevent the opening of the box without breaking the seal, and at the time appointed for the opening of the poll, shall place the box in view for the reception of the ballots, The seal shall not be broken, nor the box unlocked during the time appointed for taking the poll.

53. The clerk of the municipality shall supply to each deputy-returning officer, before the opening of the poll a voters' list containing the names of all those entitled to vote at that polling sub-division, prepared as in form No. 3 appended to this Ordinance; and it shall be the duty of the deputy-returning officer to make such entries opposite the names of persons who have voted, and such other additions as may be provided for under the respective columns of said form.

54. When any person who is entitled to vote for Mayor or Councillor under this Ordinance, presents himself for the purpose of voting, the deputy-returning officer shall proceed as follows:—

(1) He shall ascertain that the name of such person is entered upon the voters' list of the polling sub-division for which he is appointed to act;

(2) If any candidate or his agent shall demand that such a person be sworn, or if he is required to be sworn and shall take the oath

prescribed for voters in section 35 of this Ordinance, or if it be a first election, shall take the oath prescribed in section 13, the deputy-returning officer shall enter opposite to such person's name in the voters' list the word "sworn" or "affirmed" as the case may be.

55. In case the vote of any person is objected to by a candidate or his agent, the deputy-returning officer shall enter opposite such person's name in the voters' list the words "objected to," adding the name of the candidate upon whose behalf such objection was made.

56. Where any person refuses to take the oath, as prescribed in this Ordinance, the deputy-returning officer shall enter opposite such person's name in the voter's list the words "refused to be sworn," and the vote of such person shall not be taken, and if the deputy-returning officer takes or receives such vote he shall incur a penalty of two hundred dollars.

57. When the proper entries in the voters' list have been made respecting a person so claiming to vote, the deputy-returning officer shall sign his initials on the back of the ballot paper and shall deliver the same to such person.

58. The deputy-returning officer or his sworn poll clerk shall, upon request of the party entitled to vote, explain as concisely as possible the mode of voting.

59. Only one person claiming to be entitled to vote shall be allowed in the apartment where the election is held, at a time, and when and so soon as a voter has marked his ballot and delivered the same to the deputy-returning officer, he shall at once quit the apartment.

60. The person receiving the ballot paper shall forthwith proceed into the compartment provided for marking the ballot and shall therein and then mark his ballot paper in the manner prescribed in this Ordinance, by placing a cross opposite the name of the candidate or candidates for whom he desires to vote, he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper, but so as to expose the initials of the returning officer, and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone, or in any other manner making known to any person, for or against whom he has voted, deliver the same to the returning officer, who shall, without unfolding the same, verify his own initials and at once deposit the same in the ballot box in the presence of all other persons entitled to be and then present in the polling place.

61. While any voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper, except as hereinafter provided.

62. Any person who has received a ballot paper and who leaves the polling booth without first having delivered the same to the deputy-returning officer in the manner prescribed, shall forfeit his right to vote at the election then pending and the deputy-returning officer shall make an entry in the voters' list opposite the name of such party in the column for remarks, that such person received a ballot paper and did not return the same, or that the party returned the ballot and declined to vote, and in case the ballot paper was returned the deputy-returning officer shall mark upon the face thereof the word "declined," and all ballot papers so marked shall be preserved by the deputy-returning officer and by him returned to the clerk in the manner hereinafter provided.

63. In the case any person claiming to be entitled to vote, who states that he is unable from any cause whatsoever to mark his ballot paper, the proceedings shall be as follows:—

- (1) The deputy-returning officer shall in the presence of the agents of the candidates, if required by any candidate or agent present, administer an oath or affirmation to such voter to the effect that he is unable to mark his ballot paper, and shall then cause the vote of such person to be marked in the manner directed by such person, and shall then place the same in the ballot box.
- (2) The deputy-returning officer shall state in the voters' list opposite the name of such person in the column for remarks the fact that the ballot paper was marked by him at the request of the voter and the reason why.

64. A person entitled to vote who has spoiled his ballot paper in marking it or who has so dealt with it that it may be counted as a ballot paper rejected and who discovers the fact before it has been placed in the ballot box, may, on returning the same to the deputy-returning officer and proving the fact to him, obtain another ballot paper, and the deputy-returning officer shall mark upon the face of the ballot paper the word "Cancelled," and all ballot papers so marked shall be preserved by the deputy-returning officer and by him returned to the clerk in the manner hereinafter provided.

65. Immediately after the close of the poll the deputy-returning officer shall, in the presence of the poll-clerk, if there be one and such of the candidates as may be present with their agents, (of whom there shall not be more than two for any candidate), as may be present, open the ballot box and proceed to count the votes as follows:

- (1) He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give or on which anything appears by which the voter can be identified and any ballot paper on which votes are given for a greater number of

candidates for any office than the voter is entitled to vote for shall be void as regards all candidates for said office.

66. The deputy-returning officer shall take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

67. Each objection so noted shall be numbered and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer together with the word "allowed" or "disallowed," as the case may be.

68. The deputy-returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected and he shall make a written statement of the number of votes given to each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him, and such other persons authorized to be present as may desire to sign the same.

69. Every deputy-returning officer shall, at the close of the poll, certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed and at the completion of the counting of the votes shall, in the presence of any one authorized under this Ordinance to be present, then present, make up into separate packets sealed with his own seal and also with the seals of any present who desire to affix their seals thereto, and marked on the outside:

- (1) The statement of votes given for each candidate and of the rejected ballot papers;
- (2) The used ballot papers which have not been objected to and which have been counted;
- (3) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;
- (4) The rejected ballot papers;
- (5) The declined and cancelled ballot papers;
- (6) The voters' list.

70. The deputy-returning officer shall forthwith transmit such packets to the clerk of the Municipality.

71. Every returning officer, upon being requested so to do, shall give to the persons authorized to attend at his polling place, a certificate of the number of votes cast at his polling place for each candidate, and the number of rejected ballot papers.

72. After the clerk has received the packets, he shall open the one

containing the statement of the number of votes given for each candidate, and shall at noon on the day following the election; at a place to be named by him on nomination day, publicly declare the result of such election as follows:—

- (1) Total number of votes cast;
- (2) Total number of votes cast for each candidate; and shall declare elected the candidate or candidates having received the highest number of votes; and post up a statement in a conspicuous place under his own hand, showing the total number of votes cast for each candidate, and those declared elected by him.

73. In case it appears that two or more of the candidates have an equal number of votes, the clerk of the Municipality shall at the time he declared the result of the poll, give a vote for one or more of such candidates so as to decide the election; and except in such case, no clerk any Municipality shall vote in any election held in his Municipality.

74. All deputy-returning officers, poll clerks and agents, if otherwise qualified, shall be entitled to vote at the place where such person or persons are stationed, at the time of the election, upon the production of a certificate, from the clerk of the Municipality, that such person is entitled to vote within the Municipality.

75. No person shall:

- (1) Without due authority, supply any ballot paper to any person;
- (2) Fraudulently put into the ballot box any paper other than the ballot paper which he is authorized to put in;
- (3) Fraudulently take out of the polling place any ballot paper;
- (4) Without due authority, destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election;
- (5) Any person guilty of any violation of this section shall be liable to imprisonment for any term not exceeding one year.

76. Any officer, deputy-returning officer, poll clerk, candidate or agent who interferes or attempts to interfere with any voter in marking his ballot, or who marks or causes to be marked a ballot paper under section 68 of this Ordinance in any way, so as to defeat the intentions of the voter, or who at any time communicates any information he may be possessed of as to the candidate or candidates for whom any vote has been given, or who shall induce any person to display his ballot paper so as to make known to himself or to any other person the manner in which he has voted, or for or against whom he has marked his ballot paper, shall on conviction before a Stipendiary Magistrate or two

Justices of the Peace be liable to a fine not exceeding four hundred dollars or imprisonment not exceeding six months, or both.

77. Every returning-officer, deputy-returning officer, poll clerk, candidate or agent authorized to be present at any polling place shall, before exercising any of the functions of such returning-officer, deputy-returning officer, poll clerk, candidate or agent at any polling place take and subscribe before a Justice of the Peace or the clerk of the Municipality, an oath in form as follows:—

“I, A—— B—— do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held on the day of
A. D. and that I will not unlawfully attempt to ascertain the candidate, or candidates for whom an elector has voted, and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted, so help me God.

General Provisions.

78. If the election held under this ordinance be a first one, the ballot boxes, packets and returns to be made shall be to the returning-officer who shall deliver the same to the clerk of the Municipality so soon as one is appointed.

79. The clerk of the Municipality shall retain for three months all ballot and other papers directed to be returned to him by the deputy-returning-officers, and shall then destroy the same, unless otherwise ordered by a Court or Judge of competent jurisdiction.

80. No person shall be allowed to inspect any ballot papers or other documents or papers other than the voters' list used at an election in the hands of the clerk, except under the order of the Court or Judge of competent Jurisdiction, and such order when made shall state the time and place of opening such papers and inspection, and persons to be present as the Court or Judge thinks fit.

81. The reasonable expenses incurred by the Clerk of the Municipality and by any other officers appointed to act at an election under this Ordinance, shall be paid by the Council to the Clerk upon production by him of certified accounts and shall be distributed by the Clerk to the several persons entitled thereto.

82. In any case where the validity of an election under this Ordinance is contested, it shall be tried before a Judge or Stipendiary Magistrate of the district or division within which the Municipality affected is situated, or in any case where a Court or Judge of competent jurisdiction are named therein, the same shall mean a Judge or Stipendiary Magistrate of the district or division within which the Municipality affected is situated; and such Judge or Stipendiary Magistrate shall have power to declare such election void, and to order another election and fix the date thereof.

83. In any case where an election is not held on the day appointed or if by reason of any illegality in the election of the whole or a majority of the Council, the Lieutenant-Governor, or the Lieutenant-Governor in Council, may direct the holding of an election as provided for in the first election of councillors under this Ordinance, provided that the voters' list, based on the last revised Assessment Roll shall be used at such election.

84. In case a Municipality shall be divided into wards, the meeting for the nomination of candidates shall be held in one place in the Municipality, and the voters' list for each ward shall contain the names of only those persons who are entitled to vote in such ward.

85. Each returning-officer, deputy-returning-officer and poll clerk shall before entering upon the duties of his office, make and subscribe before a Justice of the Peace or Notary Public the following oath, that is to say :

I do solemnly swear that I will truly, faithfully and to the best of my knowledge and ability perform the duties of the office of (here name the office) to which I have been appointed. So help me God.

and such oath shall be delivered to the clerk of the Municipality with the voters' list used at the election.

86. In case of neglect or refusal of the electors in the Municipality to elect a Council as hereinbefore provided, the Lieutenant-Governor, or the Lieutenant-Governor in Council may appoint members from within the Municipality being duly qualified, to act as such, or may in his discretion order a new election.

87. The Clerk of the Municipality shall be, except as hereinbefore provided, or unless otherwise directed by by-law of the Council, returning-officer of the Municipality; and any returning-officer may exercise and perform the powers and duties of a deputy-returning officer, at any one polling place in the Municipality, to be selected by such returning-officer or as directed by the Council.

88. The first meeting of the Council so elected shall be on the third Monday in January in each year, unless the same shall be a statutory holiday, when it shall be held on the day next ensuing, and the Council of the previous year shall be deemed to hold office up to the first meeting of the new Council notwithstanding the fiscal year shall expire on the thirty-first day of December in each year.

Chairman.

89. Except in the case of cities and towns, it shall be the duty of the new Council at its first meeting, after the members thereof have filed their certificates of election and have subscribed to the oaths herein-after provided for, to proceed to the election of a chairman, which shall be done by a majority of those present, being properly qualified, and the

clerk shall preside at such meeting until a chairman is elected and in case of a tie shall have a casting vote.

90. The Chairman, or Mayor as the case may be, shall preside at all meetings of the Council, preserve order, and enforce the rules of the Council, sign all orders or cheques on the Treasurer duly passed by the Council; be vigilant and active at all times in causing the by-laws of the Municipality to be put in force and duly executed; inspect and report to the Council on the conduct of the officers of the Municipality; cause, as far as may be in his power all negligence, carelessness, or violation of duty, to be prosecuted and punished; communicate from time to time to the Council any information and make such recommendation as will tend to the improvement of the finances, health, security and comfort of the Municipality.

91. In the event of the absence of the Chairman or Mayor from any meeting, the Council shall elect a Chairman from amongst themselves, who shall have all the powers of the regular Chairman.

92. It shall be the duty of the Chairman or Mayor to call special meetings of the Council whenever requested to do so by a majority of the same in writing, and all the members thereof shall be duly notified of the time and place of holding the same at least two days previous to the holding thereof.

93. The Head of the Council or the presiding officer or chairman of any meeting of the Council may vote with the other members of the Council on all questions; and any question on which there is an equality of votes shall be deemed to be negatived.

Clerk.

94. It shall be the duty of the Council at its first meeting to elect a Clerk, who shall hold office during the pleasure of the Council.

95. The Clerk shall truly record all resolutions, decisions and other proceedings of the Council, and if required by the Council, shall record the name of every member voting and whether aye or nay, on any question coming before the Council; he shall keep the books, records and accounts of the Council and shall preserve and file all accounts acted upon by the Council, and shall keep the original or certified copies of all by-laws of the Council as directed by by-law.

96. The Clerk of every Municipality shall make a collector's roll or rolls, as the case may be, containing columns for all information required by this ordinance, in which he shall set down in full the name of every person assessed, his post-office address as shown by the assessment roll and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessment roll; and shall calculate and set down opposite the name of each party so assessed and under the columns headed "Statute Labor Fund,"

“Special Rates,” “Debenture Fund,” “Local Rate,” and “School Rate,” or as the case may be, the sum for which he is chargeable on account of such rates, and in the column headed “Total” the total amount of rates for which he is liable; and the Clerk shall deliver the roll certified under his name to the collector or collectors, on or before the first day of October, or such other day as may be prescribed by by-law or resolution of the Municipality.

97. In addition to the roll prescribed in the next preceeding clause, the Clerk of the Municipality shall make out a roll which shall be a copy of the non-resident land assessment as finally revised, and shall enter opposite to each lot or parcel of land all the rates or taxes with which the same is chargeable as hereinafter provided, in separate columns, and shall deliver the same to the collector on or before the first day of October or as may be prescribed by by-law of the Municipality.

98. The Clerk of each Municipality shall, in making out the collector's roll for the year, add any arrears of taxes to the taxes assessed against any occupied lands for the current year as have not been collected for the previous year, and such arrears shall be collected in the same manner, and subject to the same conditions as all other taxes entered on the collector's roll.

99. The Clerk of the Council shall, at the meeting of the Council immediately following the receipt of the auditors' report, submit the same to the Council, who shall finally audit and allow the account of the treasurer and collectors and all accounts chargeable against the Municipality, and in case of charges not regulated by by-law, the Council shall allow what is reasonable, and in cities and towns the Council may also appoint an auditor, who shall, as directed by the Council, examine and report and audit the accounts of the Municipality, in conformity with any regulation or by-law of the Council.

100. The Clerk of every Municipality shall, on or before the tenth day of July in each year, prepare alphabetically for the Municipality or Ward as the case may be, a list of those persons being duly qualified to vote at municipal elections therein whose names appear on the assessment roll as finally revised by the Court of Revision, and shall post the same in a conspicuous place in his office; such list shall contain, opposite the name of each voter, a short description of the real property in respect of which he is entitled to vote, or if on personalty or income, the words “personalty” or “income” as the case may be.

101. The Clerk of every Municipality shall, within one week after the final revision of the assessment roll, deliver to the road overseer or road overseers appointed by the Council, a list of all parties assessed and liable for statute labor within their respective divisions, and the amount of statute labor for which each of such parties is liable.

102. It shall be the duty of the clerk of every Municipality, on or before the first day of April in each year, to transmit to the Lieutenant-Governor a list of all persons elected as Councillors, together with a list of the officers of the Municipality appointed by by-law, the same to be signed by the head of the Municipality and the Clerk, and on or before the first day of December in each year, or so soon thereafter as ascertained, a list showing the total number of persons assessed in the Municipality the number of acres under cultivation, the value of real property, the value of personal property, the total amount of taxes imposed, the debt of the Municipality, the total assets of the Municipality, the total liability of the Municipality, the total revenue from sources other than assessment, the total amount collected for school purposes, the total amount expended on roads and bridges, and a detailed list of the salaries paid by the Municipality; and, in the case of towns and cities, a list showing the total value of real property, the total value of personal property, the total amount of taxes imposed, the total liability of the Municipality, the total revenue from sources other than assessment, the total amount expended for school purposes, the total amount expended on roads and bridges, and a detailed list of the salaries paid.

Councils.

103. The jurisdiction of each Council shall be confined to the Municipality for which it is elected, unless authority is given otherwise by the Lieutenant-Governor in Council, and the powers of every Municipality shall be exercised by the Council or by the Mayor and Council.

104. A majority of the Council shall be a quorum at any meeting, but when the Council consists of only five members the concurrent votes of at least three shall be necessary to carry any resolution or other measure.

105. Every Council may make regulations and by-laws—not provided for by this ordinance, and not contrary to law—for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the Municipality may require, and may repeal, alter and amend its own by-laws, except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

106. The Council may pass a by-law for paying the members thereof, which shall in no case exceed the sum of one and a half dollars per day and ten cents for every mile necessarily travelled coming to or attending the business of the Council, provided that the number of days for which each councillor shall be paid during the year for which he is elected shall not exceed six.

107. In case of the death or removal of any Councillor, or in the event of a vacancy occurring in the Council from any cause whatsoever, the Council at its next meeting shall order an election, and the member

so elected shall hold office for the unexpired period of the member whose place he was elected to fill.

108. In the event of any Councillor refusing or neglecting to attend the meetings of the Council for three months, his seat shall be declared vacant, unless he shall have received permission to absent himself from the Council by a majority vote of the same at a regular meeting of the Council, which permission shall in no case be for a longer period than six months.

109. The Council of any Municipality may pass by-laws for

- (1) The raising of revenue by assessment on real and personal property and for collecting the same;
- (2) The expenditure of the revenue;
- (3) The maintenance of roads and bridges, and building the same, to lay out, open, change, close or extend roads, streets, alleys and by-ways;
- (4) The prevention of cruelty to animals not otherwise provided by law;
- (5) The abatement and prevention of nuisances;
- (6) The prevention or removal of abuses prejudicial to agriculture not otherwise provided for by law ;
- (7) The relief of the poor ;
- (8) Drains and watercourses ;
- (9) Drainage work and the regulation of ditches ;
- (10) Public health ;
- (11) The appointment of public officers and persons to enforce any provisions of this Ordinance ;
- (12) The maintenance of officers under any provision of this Ordinance;
- (13) The establishment and maintenance of pounds, the impounding of animals, running at large of the same, and regulating their detention and sale or release, subject to any legislation by the North-West Council ;
- (14) The erection of Municipal buildings, such as halls, lock-ups, weigh-houses, markets, and generally such buildings as may be deemed beneficial to the interests of the Municipality.
- (15) The encouragement of the planting of trees on prairie lands, or

the public highways, and remuneration for the same by commutation of statute labor or otherwise ;

- (16) Taking the census of the Municipality ;
- (17) Enforcing the by-laws of the Municipality by fine or imprisonment ;
- (18) The sale of land or personal property in satisfaction of unpaid taxes ;
- (19) The regulation of meetings of Council and conduct of its members ;
- (20) The duties of its officers, salaries and security to be given, not otherwise provided for by law ;
- (21) Public morals, not otherwise provided for by law ;
- (22) The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in the public market ;
- (23) For granting bonuses to manufactories, mills, railways, or any works of a public nature, subject to ratification by the ratepayers as hereinafter provided ;
- (24.) Exemption from taxation for the then current year ;
- (25) Exemption from taxation for a longer period than one year subject to ratification by the ratepayers as hereinafter provided
- (26) For granting aid to Agricultural Societies ;
- (27) For building, owning or operating grist mills, elevators and manufacturing establishments ;
- (28) For licensing bridges and ferries wholly within the Municipality, not being the property of the Government, and allowing the collection of tolls thereon for periods not exceeding five years ;
- (29) For subdividing the Municipality into wards and providing for the election of one or more councillors as herein provided for each ward or polling sub-division, but no Council shall have power to subdivide the Municipality into wards, unless they have been elected on a revised assessment roll ;
- (30) To provide for protection from fire by the purchase of engines or other necessary appliances for the extinguishment of fires and the organization and remuneration of a fire department ;
- (31) To prevent the spread of prairie fires within the Municipality

110. All the powers conferred on Municipal Corporations by Section 208 and sub-sections thereto are hereby extended to Councils of Municipalities generally.

111. In case the majority of the residents of any portion of a Municipality divided into "Lots," as provided in this Ordinance, petition the Council thereof, setting forth the desire of such residents to incur a debt or liability repayable in the financial year, the Council may by by-law levy a special rate against all the property within the area (which shall be described in the petition), as set forth in such petition, and such rate shall be collectable as all other rates assessable by the Municipality.

112. At its first or subsequent meeting the Council shall pass a by-law for the appointment of a Treasurer, Assessor or Assessors, Collector, Auditor, Road-overseers, Pound-keepers and Constables, and fix their remunerations.

113. The Council of every Municipality shall by by-law appoint one or more persons, not being members of the Council, as assessor or as assessors and collectors, or as one or both. If more than one assessor is appointed, the by-law shall define for each the division for which he is appointed, and where the Council of any Municipality has passed by-laws requiring taxes to be paid on or before a given time, it shall be the duty of the collector to make a return on oath, on the day following the time so named, of the names of all persons who have not so paid their Municipal taxes.

114. The Council of any Municipality may pass by-laws allowing a rebate on all taxes paid before a time to be named in the by-law.

Assessor.

115. The assessor or assessors shall prepare an assessment roll in which he or they shall set down, according to the best information to be had in consecutive columns:

- (1) The number of the assessment;
- (2) The names in full, if the name can be ascertained, of all taxable persons resident within the Municipality who have property therein;
- (3) The names and post office addresses of all owners and occupants as defined by this Ordinance;
- (4) The description and extent or amount of property assessed against each or any interest which is liable to assessment.
- (5) The actual cash value of each parcel of real property or the interest therein of the party assessed;

- (6) The total actual cash value of personal property ;
- (7) Taxable income, which shall be deemed to mean his income save and except the sum of five hundred dollars other than that derived from any property, real or personal, for which he is assessed ; income derived from stock or shares in any incorporated company shall be assessed against the individual holders thereof, and in the Municipality in which such individual holder resides ;
- (8) To state after the name of the party assessed whether householder, free-holder or tenant, by affixing the letter H., F., or T., as the case may be ;
- (9) The age and address of the party ;
- (10) Section, Township, and Range, or Lot, Block and Street or Lot in special survey ;
- (11) Number of acres assessed, number under cultivation ;
- (12) Religion and total number of family of each person rated as resident ;
- (13) Number of cattle, sheep, horses, hogs and dogs ;
- (14) Date of assessment and delivery of notice ;
- (15) As regards the lands of non-residents, whether owned by individuals or Corporations, whose names cannot be ascertained the assessors shall set down, in consecutive columns, in a roll, separate from the other assessments, and head the same "Non-resident Land Assessment" :
 - (a) The number of the Assessment ;
 - (b) A description of the land, if not subdivided into lots, by describing the section, or portion of a section, Township and Range by their numbers or other description ; or if subdivided into lots, by giving the numbers and other description thereof, so far as the same can be ascertained.

116. Every assessor shall, before delivery of his roll to the Clerk of the Municipality, deliver to the party assessed, if residing in the Municipality, a notice setting forth the sum at which his real and personal property and taxable income is assessed, or, if the person assessed be not residing in the Municipality, shall post such notice by registered letter directed to the person assessed to the Post Office named in such roll, and shall enter on the roll opposite the name of such person the date of such delivery or posting, and such entry made shall be deemed *prima facie* evidence of delivery.

117 The assessors shall make and complete and deliver their rolls to the clerk of the Municipality in each year on or before the fifteenth day of June, and shall attach thereto a certificate in manner following:

I—————hereby certify that I have in the foregoing assessment roll assessed the Municipality of—————(or part as the case may be, naming the part) according to Ordinance provided, to the best of my knowledge and ability.

(Signed)

ASSESSOR

118. In the case of a partnership or company having more than one place of business within the Municipality, the personal property thereof shall be assessed in the locality where it is situate, and if this cannot be done, the partnership or company may elect at which of its places of business it will be assessed for the whole of its personal property.

119. If a resident has no place of business, he shall be assessed at his place of residence.

120 It shall be the duty of every person assessable for real or personal property in every Municipality, to give all information to the assessors, and he may deliver to the assessors a statement in writing setting forth the particulars of the property for which he should be assessed, but no such statement shall bind the assessor or excuse him from making due enquiry as to its correctness.

121. In assessing vacant ground, or ground used as a farm garden, or nursery, and not in immediate demand for building purposes, in cities or towns, the value of such vacant ground shall be that at which sales of it can be freely made, and where no sales of it can be reasonable expected during the current year, the assessor shall value it as if held for farming or gardening purposes, with such percentage added as the situation of the land may reasonably call for, and such vacant land, whether surveyed into lots or not, if unsold as such, may be entered on the assessment roll as so much of the original lot or section, as the case may be, and where ground is not held for purposes of sale but *bona fide*, inclosed and used in connection with a residence or building as a paddock garden, park or lawn, it shall be assessed at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessor, it is reasonably worth, reference being always had to its position and local advantages.

122. The interest of every person or Corporation in any lands, the fee of which is in the Crown, shall be liable to assessment.

Exemptions.

123. All land or personal property in the Territories shall be liable to taxation subject to the following exemptions:—

- (1) All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories;

- (2) All property held by or in trust for the use of any tribe of Indians or the property of the Indian Department;
- (3) Where any property mentioned in the preceeding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable;
- (4) The grounds and buildings of all public schools, universities, collegiate institutes or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes;
- (5) All property belonging to the Municipality when held and occupied or in the use of the corporation and the personal property belonging to the same;
- (6) Jails and court houses and the necessary land attached thereto;
- (7) Churches and the land on which they stand, not exceeding one half acre, in towns and cities, together with the buildings thereon used for the purposes of the said church or occupied by the incumbent or priest, and, in rural Municipalities, one hundred and sixty acres of land in addition to the above, if the same is actually used for the support and maintenance of any church or mission; orphanages, poor-houses, houses of industry, asylums, being public institutions, and the real and personal property connected with the same;
- (8) The property of every public library;
- (9) The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation;
- (10) So much of the personal property of any person as is invested in the debentures or bonds of any Municipality within the Territories;
- (11) Personal property to the extent of three hundred dollars;
- (12) Grain *in transitu*, household effects of every kind, books and wearing apparel;
- (13) The increase in the value of the land by reason of the cultivation thereof together with the growing crops;

Rates.

124, In every Municipality the rates shall be calculated at so much in the dollar on the actual value of all therealand personal property and income liable to assessment.

125. The Council of every Municipality shall every year, on or before the fifteenth day of July, make estimates of all sums which may be required for the lawful purposes of the Municipality for the year or that part thereof for which the sums are required to be levied, making due allowance for the costs of collection and abatement and losses which may occur in the collection of the taxes on the lands of non-residents.

126. The Council of the Municipality shall pass a by-law authorizing the levying and collecting of a rate or rates of so much in the dollar on the assessed value of the property therein as the Council deems sufficient to raise the sum required in such estimates, but in no case shall the rate imposed exceed two cents on the dollar of the assessment in any year including local and special rates but not including school rates.

127. The Trustees of any school district, any portion of which is situated within a Municipality, may demand of the Council of the Municipality, that the amount for which the school district, or the part thereof situated within the Municipality, is liable for school purposes, shall be imposed and collected by the Municipality, and the lands and property of persons liable for such amounts shall be assessed, and the same shall be collected as other rates by the Municipality.

128. If the amount collected falls short of the sums required, the Council may direct the deficiency to be made up from any fund belonging to the Municipality, except sinking funds to retire debentures.

129. If there be no unappropriated funds, the deficiency may be deducted from the sums estimated as required, or from any one or more of them.

130. Should the amount collected exceed the estimates, the sum in excess shall form part of a general fund of the Municipality, and shall be at the disposal of the Council.

131. In cases where the amount collected has been on account of some special purpose, and is not required for such purpose, it shall also form part of the general fund of the Municipality.

132. The taxes or rates imposed in any year shall be deemed to be due on the first day of January of the then current year.

133. The Council may, from time to time, extend the time at which all taxes shall be paid, but not beyond the first day of March following the year for which the assessment was made.

134. The real estate and personal property of all railway companies liable to assessment is to be considered as the property of rate-payers within the Municipality.

Appeal from Assessment Roll and Revision of Roll.

135. If the Council of a Municipality consists of not more than five members, it shall form a Court of Revision for the Municipality.

136. If a Council consists of more than five members, the Council shall appoint five of its members to be a Court of Revision, and three thereof shall be a quorum for the transaction of business.

137. The Clerk of the Municipality shall be the Clerk of the Court, and shall record all the proceedings thereof.

138. The Court may meet and adjourn from time to time, and may be summoned to meet at any time by the head of the Municipality.

139. All evidence before the Court of Revision shall be taken on oath and any member shall be competent to administer the oath to any person giving evidence before the Court.

140. At the time appointed the Court shall meet and try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low as the case may be.

141. All the duties of the Court of Revision which relate to the matters aforesaid and the rolls finally revised by the Court shall be completed before the fifteenth day of August in each year.

142. The proceedings for the trial of complaints shall be as follows:—

(1) Any person assessed within the Municipality who considers himself aggrieved for any or all of the causes hereinafter referred to, may within fourteen days of the time fixed for the return of the roll, give notice in writing to the Clerk of the Municipality that he considers himself so aggrieved, naming the complaints and grounds of appeal and upon what property;

(2) If any ratepayer within the Municipality thinks that any person has been assessed too high or too low, or has been wrongfully inserted in or omitted from the assessment roll, the Clerk shall on his request in writing, give notice to such person and to the assessor of the time when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed;

(3) The Clerk of the Court shall post up in some convenient place within the Municipality a list of all complaints in their own behalf against the assessors' return and all complaints on account of other persons stating the names of each, the applicant and respecting whom, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaint;

4. If it should appear to the Court of Revision that errors exist in the assessment roll, which should be corrected, they may by resolution extend the time for making complaint;

(5) The Clerk shall cause to be left at the residence of each assessor a list of all complaints respecting his roll and shall also prepare a notice in the form following for each person with respect to whom a complaint has been made:

Take notice that you are required to attend the Court of Revision at _____ on the _____ day of _____ in the matter of the following appeal
appellant. That you are assessed (too high) or (too low) or (not a bona fide resident)
or as the case may be.

Signed,

Clerk.

(6) If a person resides or has a place of business within the Municipality, the Clerk shall cause the notice to be served personally at the person's residence or place of business;

(7) If the person be not residing within the Municipality, then the notice shall be addressed to such person by registered letter to the Post Office address entered on the assessment roll;

(8) Every notice hereby required shall be served or posted at least six days before the sitting of the Court;

(9) Persons complained against may appear before the Court in person or by agent;

(10) The Court, after hearing the complainant and the party complained against and any evidence adduced, as well as the assessor, shall determine the matter and confirm or amend the roll accordingly;

(11) If either party fail to appear, either in person or by agent, the Court may proceed *ex parte*.

143. The roll, as finally passed by the Court, and certified by the Clerk of the Court as so passed, shall be valid and bind all parties concerned, notwithstanding any error or defect in regard to such roll.

Statute Labor.

144. Every person assessed upon the assessment roll of a Municipality shall, if his property be assessed at not more than five hundred dollars be liable to one day's statute labor, and for every five hundred dollars or part thereof in excess of said sum, to an additional day's statute labor.

145. Every other male inhabitant of the Municipality of the age of

twenty one years or upwards and under the age of sixty years, not assessed as herein provided, shall be liable to one day's statute labor.

146. Every person liable to statute labor as hereinbefore provided may commute the same at the rate of two dollars per day.

147. The Council of any Municipality may by by-law commute the statute labor of any person or persons resident within the Municipality with regard to any certain specified property, for a term of years, in consideration of statute labor to be performed in any one year.

Collectors and Their Duties.

148. All rates, assessments, charges, collections and taxes required to be collected by any provision of this Ordinance shall be collected as hereinafter provided.

149. The collector, upon receiving the collector's roll, shall proceed to collect the taxes therein mentioned and shall call at least once upon the person taxed or at the place of his usual residence or place of business, if within the Municipality, and shall demand payment of the taxes payable by such person, and if such person is not residing in the Municipality shall mail by registered letter a notice demanding payment thereof, giving a statement of the same addressed to such person to the Post Office appearing on such roll, and shall at the time of such demand or posting enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of such demand.

150. In case any person neglects or refuses to pay such taxes for fourteen days after such demand, when made personally or at the place of his usual residence or place of business in the Municipality, or after one month from the posting of such registered notice, the Collector may by himself, or by an agent appointed by him, in writing, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same in the Municipality, or of any goods and chattels found on the land assessed, whether owned by such person assessed or not, and no claim of property, privilege or lien except that of the Crown shall be available to prevent the sale of such goods and chattels so found on the land in payment of the taxes and costs of such seizure and sale:

151. The costs chargeable for such distress and sale shall be as follows:

Mileage going to and returning from the place of seizure, each mile necessarily travelled.....	Ten cents.
Seizure.....	One dollar.
Taking care of Property.....	The sum actually disbursed not exceeding two dollars per day.
Notices of sale and posting same up.....	One dollar and fifty cents.
For selling, five per cent on the amount realized, not exceed- ing the amount of the taxes.	

152. The collector shall, by advertisement over his hand posted up in

at least three public places within the Municipality within which the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale and of the name of the person whose property is to be sold, and at the time named in the notice the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to satisfy the claims of the collector, including costs and charges allowed by this ordinance.

153. If the property distrained has been sold for more than the amount of taxes and costs, and if no claim for the surplus has been made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the said property was when the distress was made, or if such claim be made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

154. If the claim is contested such surplus money shall be paid over by the collector to the treasurer of the Municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Ordinance.

155. Taxes payable by any person may be recovered with interest and costs as a debt due to the Municipality, in which case the production of a copy of so much of the collector's roll, as relates to the taxes payable by such person, purporting to be certified as a true copy by the Clerk of the Municipality, shall be *prima facie* evidence of the debt.

156. On or before the fourteenth day of December in every year, or on such day in the next year not later than the first day of March as the Council of the Municipality may appoint, every collector shall return his roll to the treasurer of the Municipality, and shall pay over the amount then in his hands collected by him to such treasurer, specifying in a separate column in his roll how much of the whole amount is paid over on account of each separate rate, and shall under oath verify the dates of the demands of payment and of the amounts returned as paid by him opposite the name of each party in the collector's roll in manner following:—

"I ————— Collector, do solemnly swear that the foregoing roll contains a true account of the moneys collected by me; that the date of the demands of payment is correctly set forth, and that I have paid in all the moneys collected by me. So help me God."

157. If any of the taxes mentioned in the collector's roll remain unpaid, and the collector be not able to collect the same, he shall deliver to the treasurer of the Municipality an account of all the taxes remaining due on the roll, and in such account the collector shall show opposite to each assessment the reason why such collection could not be made, by inserting, as the case may be, the words "non-resident" or "not sufficient property to distrain."

158. The taxes accrued on any land shall be a special lien on such land having preference over any claim, lien, privilege or incumbrance of any party whomsoever, except the Crown, and shall not require registration to preserve it.

Treasurer.

159. The Council of every Municipality shall appoint a Treasurer, who may be paid by salary or by percentage, and the Treasurer so appointed shall, before entering upon the duties of his office, give such security as the Council directs for the faithful discharge of such duties; and, it shall be the duty of every Council in each year to enquire into the sufficiency of the security given by such Treasurer and to report thereon.

160. The Treasurer shall receive and safely keep all moneys belonging to the Municipality, and shall pay out the same in such a manner as the laws of the Territories and the lawful by-laws of the Council of the Municipality whose officer he is, direct; but no member of the Council shall receive any money from such Treasurer for any work performed, except as remuneration for services authorized by this ordinance.

161. The Treasurer shall keep regular books of account in such manner as may be directed from time to time by the Council, and which shall show faithfully all moneys received and how expended, and he shall exact and retain vouchers and receipts for all moneys paid, and he shall prepare and submit to the Council at least once in every month a correct statement of the moneys at the credit of the Corporation.

162. In case any Treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to the Municipality, deposited to the Credit of such Municipality with any Bank or private individual.

163. The Treasurer of the Municipality may also be treasurer of the School Fund.

164. The Treasurer shall not be eligible as Auditor.

165. It shall be the duty of the Treasurer to see that moneys collected under by-law for the purpose of the payment of interest on debentures issued by the Municipality or providing for a sinking fund for the same are properly applied.

166. The Council of every Municipality may authorize the Chairman or Mayor thereof, and the Treasurer, to borrow from any person or bank, or corporation, such sum of money as may be required to meet the expenditure of the Municipality until such time as the taxes levied therein can be collected; such authorization shall be by by-law of the Council, and shall be under the seal of the Corporation.

Auditors and Audit.

167. Every Council shall, at the first meeting thereof in every year appoint one or more auditors, but no one who at such time or during the preceeling year is or was a member of the Council, or any officer under the Corporation, or who has during such preceeding year had either directly or indirectly a share or interest in any contract with or on behalf of the Municipality, except as Auditor, shall be appointed as such.

168. The Auditor shall examine and report upon all account affecting the Municipality or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceeding his appointment.

169. The Auditor shall prepare an abstract of the receipts expenditures, assets and liabilities of the Municipality, and also a detailed statement of the said particulars in form as the Council may direct, and shall make a special report of any expenditure made contrary to law and shall file the same in the office of the Clerk of the Council within one month after his appointment, and thereafter any inhabitant or ratepayer of the Municipality may inspect the said report and may by himself or agent, at his own expense, take a copy thereof or extracts therefrom.

Voters' Lists.

170. Any person who has been resident in the Municipality in the then current year prior to the first day of July, and who is otherwise duly qualified, whose name does not appear on the voters' list or who is not assessed high enough to be qualified as a voter, or whose name is put down in error, may, either by himself or agent, notify the Clerk in writing of his intention to apply to have his name inserted on the said list or to have the list otherwise amended, as the case may be, in form following:

To the Clerk of the Municipality of

Take notice that I intend applying to the Council to have my name added to the list (or to have the list corrected, as the case may be,) as a voter in _____ that I should be assessed for lot _____ or section _____ (inserting the number of the Lot, Block and name of street, or Section, Township and Range, as the case may be,) or that I should be assessed upon income for _____ dollars, or that my name is wrongfully omitted, or that my name is put down in error, as the case may be

(Signature of Applicant.) Applicant.
or (name of Applicant.)
(Signature of Agent Applicant by his Agent-
.....

171. If any person qualified as a voter on income has left the Municipality, or if a person has disposed of the property for which he was qualified as a voter under this Ordinance before the first day of October in the then current year, he shall be deemed disqualified as a voter, and any person duly qualified may apply to have the name of the party so disqualified struck off the voters' list by notifying the Clerk of his intention of applying to the Council for that purpose as provided in the preceding section.

172. Notices served upon the Clerk under the two preceding sections shall be served in each year on or before the first day of November.

173. On or before the fifth day of November, the Clerk shall make a list of all parties applying to have their names added to the voters' list and of the names of those that have applied to be struck off the list, together with the name of the party applying and for what cause, and shall post the same in a conspicuous place in his office, and shall immediately thereafter notify the parties interested that application has been made to add or to strike off (as the case may be) their names from the voters' list.

174. On or before the first day of December in each year the Council of each Municipality shall meet as a final Court of Revision on the voters' list and shall hear and determine all cases and applications of which notice has been given to the Clerk as hereinbefore provided, and shall have power to add to, strike off or amend the voters' list, as they may deem fit and right, and after all cases have been so heard and determined upon, the list as finally amended and revised by them, shall be the voters' list of the Municipality for the year next ensuing.

BY-LAWS.

175. Every By-law under this Ordinance shall be under the seal of the Municipality, and shall be signed by the head of the Municipality or by the person presiding at the meeting at which the By-law is finally passed, and by the Clerk of the Municipality, and every such By-law shall have three distinct and separate readings before the same shall be finally passed, but not more than two readings shall be had at any one meeting, except by the unanimous vote of the Council present.

176. A copy of any By-law, written or printed, without erasure or interlineation, and under the seal of the Municipality certified to be a true copy by the Clerk thereof and by any member of the Council, shall be authentic and received as evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged on oath that the seal or one or both of the signatures have been forged, or that the same is not a true copy of the By-law which it purports to be a true copy of.

177. All By-laws for contracting debts or borrowing money, except such as provide for the repayment thereof within the financial year shall, before the final passing thereof, receive the assent of a majority of the ratepayers entitled to vote thereon in the manner hereinafter mentioned.

178. No By-law for any of the purposes mentioned in Sub-sections twenty-three, twenty-five and twenty-seven of Section number one hundred and nine of this Ordinance shall be introduced or entertained by the Council, except on a petition of one-half the ratepayers of the Municipality, and all such By-laws shall, before the final passing thereof receive the assent of a majority of the ratepayers voting thereon in the manner hereinafter provided—provided, however, that upon the introduction of any such By-law no informality in the proceedings, prior to such introduction, shall affect its validity.

179. In case a By-law requires the assent of the electors of the Municipality before the passing thereof, the following proceedings shall be taken for ascertaining such assent:—

- (1) The Council shall by the By-law fix the day and hour for taking the votes of the electors and such places in the Municipality as the Council shall in their discretion deem best, and where the votes are to be taken at more than one place, shall name a returning officer to take the votes at each place, and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed By-law as hereinafter provided;
- (2) The Council shall, before the voting thereon by the ratepayers, publish a copy of the By-law in some public newspaper, published within the said Municipality, or, if there be no such newspaper, in some public newspaper near the Municipality, and such publication shall be continued in at least one number weekly of such newspaper for three successive weeks, and shall also put up a copy of the By-law at four or more of the most public places of the Municipality;
- (3) Appended to each copy shall be a notice signed by the Clerk of the Council stating that such is a true copy of the proposed By-law which will be taken into consideration after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held;
- (4) The Returning Officer shall open the polls at the day and hour named, and record the votes by open voting for and against the By-law, "yea" or "nay," and make a return thereof to the Council.

180. The Council shall by a By-law fix a time and a place when the Clerk of the Council which proposed the By-law shall sum up the number of votes given for or against the by-law.

181. On the application of any person interested in promoting or opposing the passage of the By-law the Chairman or Mayor shall authorize the attendance of one person to attend, on behalf of the party applying, at each polling place and at the final summing up of the votes.

182. Ratepayers entitled to vote on any By-law requiring the assent of the ratepayers shall be those so duly qualified and assessed as a freeholder on the last revised assessment roll for not less than six hundred dollars, either by himself or his wife or who or whose wife is a leaseholder of real property within the Municipality of such value and who is rated on the last revised assessment roll therefor, and which lease extends for a period of time for which the debt to be contracted or the money to be raised by such by-law is made payable and by which lease the lessee has covenant to pay all Municipal taxes in respect of the property leased and which person is named on the last revised voters' list.

183. The oaths to be submitted to voters shall be in form similar to those administered to electors when voting for Municipal Councillors, provided, however, that such voters are otherwise duly qualified to vote for such by-law.

184. The Clerk, after he has received certified returns from the deputy returning officers of the number of votes given at each polling place, shall at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, sum up from such statements the number of votes for and against such By-law, and shall then and there declare the result and forthwith certify to the Council under his hand whether the majority of the electors voting upon the by-law approved or disapproved of the same.

185. Any By-law which is carried by a majority of the duly qualified electors voting thereon, shall, within six weeks thereafter, be passed by the Council which submitted the same.

186. A By-law requiring the assent of the electors shall come into operation within thirty days after the final passing thereof by the Council.

187. Within thirty days after the final passing of a By-law requiring the assent of the ratepayers, any person affected thereby may, in his own name, by a petition presented to a Stipendiary Magistrate, or to any court of competent jurisdiction, demand and obtain, on the ground of illegality, the annulment of any By-law passed under the provisions of this Ordinance; but every such petition must be accompanied by a deposit of fifty dollars as security for costs.

188. The annulment of part only of a By-law may be demanded in the same way.

189. The petition must set forth in a clear and precise manner the reasons alleged in support of the demand, and must be accompanied by a certified copy of the By-Law, if such copy can be obtained, and if such copy cannot be obtained by the applicant, the Stipendiary Magistrate or Court may order the Clerk of the Municipality or any person in whose custody such By-law may be, to produce such copy duly certified, and the person so ordered is for this purpose deemed to be an officer of the Court which gives such order.

190. A copy of such petition must be served on the Clerk and upon the Chairman or Mayor of the Municipality, or in the absence of either of them the same may be served on any grown-up person at their domicile, at least eight days before it is presented to the Stipendiary Magistrate or Court, and such copy shall state at what day, hour and place the said petition shall be presented to the Stipendiary Magistrate or Court, and an affidavit of such service made before a Justice of the Peace or a Notary Public must accompany such petition.

191. No application to quash or annul any such By-Law in whole or in part shall be entertained by any Stipendiary Magistrate or Court unless such application is made within thirty days from the passing of such By-law, except when such By-law has not been submitted or has not received the assent of such electors or ratepayers, and in such case an application to quash such By-law may be made at any time.

192. After an order has been made by a Stipendiary Magistrate or Court directing an enquiry, and after a copy of such order has been served as herein provided, all further proceedings on the By-law shall be stayed until after the application in respect of which the enquiry has been disposed of; but if the matter is not prosecuted to the satisfaction of the Stipendiary Magistrate or Court, he may remove the stay of proceedings.

193. No By-law shall be set aside for corrupt practices provided the passage thereof was not affected by such corrupt practices.

By-laws for Creating Debts.

194. Every Municipality may, under the formalities required by this Ordinance, pass By-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts on the rateable property of the Municipality for any purpose within the jurisdiction of the Municipality, or on roads and bridges, or water works outside the limits of the Municipality, but no such By-law shall be valid which is not in accordance with the following provisions and restrictions except in so far as is otherwise provided by the two next sections of this Ordinance:

- (1) The By-law, if not for the purpose of creating a debt for the purchase of public works, shall name a day when the By-law is to take effect ;
- (2) If not contracted for lighting, drainage or water works, or for purchase of public works, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at the furthest from the day on which the said By-law takes effect, and if the debt is contracted for lighting, drainage or water works the same shall in like manner be paid in thirty years at furthest from the day on which the By-law takes effect ;
- (3) The By-law shall set forth a certain specific sum to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become respectively payable according to the terms of the By-law ;
- (4) No future increase of the rateable property within the Municipality, nor any extra income of any nature or interest whatsoever, from any work whatsoever, stock, share, or interest therein, shall be taken into account in estimating the rateable property ; nevertheless, if by reason of the increase or decrease in the valuation of property in the Municipality, the annual rate as hereinbefore provided should require to be greater or less as the case may be, the rate may be increased or decreased accordingly ;
- (5) The By-law, unless it is for a work payable by local assessment, shall recite the amount and object of the debt, the amount to be raised annually, the value of the rateable property according to the last revised assessment roll, the amount of the existing debt of the Municipality, the interest and principal separately, and how much, if any, of each is in arrear.
- (6) Provided that all By-laws for contracting debts, which do not provide for the re-payment thereof within the financial year, shall receive the assent of of the Lieutenant-Governor in Council after the final passing thereof by the Council of the Municipality.

195. All By-laws passed by any Municipality for creating debt, under the provisions of the North-West Municipal Ordinances of 1883 and 1884, are hereby held to be valid, and the provisions of this Ordinance shall apply thereto.

196. If the By-law is for work payable by local assessment, it shall recite :

- (1) The amount of the debt which such By-law is intended to create and the object for which it is to be created ;
- (2) The total amount required by this Ordinance to be raised annually by special rate for paying the debt and interest under the By-law ;
- (3) The value of the whole real property rateable under the By-law as finally determined as aforesaid ;
- (4) The annual special rate in the dollar, or in the case of towns and cities, on the foot frontage or otherwise, as the case may be for paying the interest and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal, according to the provisions of this Ordinance ; or in case the debt is payable by instalments annually, for paying the same, principal and interest, respectively, as they become due ;
- (5) That the debt is created on the security of the special rate settled by the By-law, and on that security only.

197. In any case of passing a By-law for contracting a debt or borrowing money for any purpose, the Council may in its discretion make the principal of such debt repayable by annual instalments during the currency of the period, in no case to exceed thirty years, as hereinbefore provided, within which the debt is to be discharged, such instalments to be of such amount that the aggregate amount payable as principal and interest in any year shall be equal, as nearly as possible, to what is payable for principal and interest during each of the other years of such period, and may issue the debentures of the Municipal corporation for the amounts and payable at the times corresponding with such instalments together with interest, as may be provided in such By-law.

198. Such By-law shall set forth the annual special rate to be raised in each year during the currency of the debt, which shall be sufficient according to the amount of rateable property appearing by the last revised assessment roll to discharge the several instalments of principal and interest accruing due on said debts as the said instalments become respectively payable according to the terms of such By-law ; and in case within this section it shall not be necessary that any provision be made for the creation of a sinking fund.

199. No officer of any Municipality shall neglect or refuse to carry into effect any By-law for paying a debt under cloak of a By-law illegally attempting to repeal such first By-law, or to alter the same so as to diminish the amount to be levied under it.

Corrupt Practices.

200. The following persons shall be guilty of corrupt practices :—

201. Any person who, by himself or his agent, gives or lends or promises to give or lend any money or valuable consideration, or gives to any person intoxicating liquor to induce him to vote or refrain from voting, or who shall give, offer, or procure any office, place of employment to or for any voter, or on his behalf, in order to induce any voter to vote or refrain from voting at any election under this Ordinance or at any voting on any By-law, or who shall advance, or pay, or cause to be advanced or paid, any money, any portion of which was or shall be employed in bribery at any election under this Ordinance or at any voting on any By-law shall be guilty of corrupt practices.

202. Any person who shall before, during, or after any Municipal election or the voting on any By-law, either by himself or by any one in his behalf, directly or indirectly, receive, agree or contract for any money, gift, loan, consideration, employment or office, for himself or for any other person, for voting or for refraining from voting, or for having induced any other person to vote or refrain from voting at any Municipal election or on any By-law under this Ordinance, shall be guilty of corrupt practices.

203. Any person who shall hire any teams, horses, carriages, or other vehicles for the purposes of conveying electors to or from any polls for voting at a Municipal election or upon any By-law under this Ordinance, shall be guilty of corrupt practices.

204. Any person who shall directly or indirectly, either by himself or his agent, make or use or threaten any force, violence or restraint, or threaten the infliction by himself or through his agent, or through any other person, of any injury, damage or loss, or in any way, manner or practice intimidate or threaten intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or who shall in any way prevent or otherwise interfere with the free exercise of the franchise of any voter, shall be guilty of corrupt practices.

205. Any candidate elected at any Municipal election who shall be found guilty by the Stipendiary Magistrate of corrupt practices shall forfeit his seat, and shall be rendered ineligible as a candidate at any Municipal election for two years thereafter. The vote of every person found guilty upon any trial or inquiry as to the validity of an election or a By-law shall be void, and any person so found guilty shall be disqualified from voting at any Municipal election or upon any By-law for the next succeeding two years.

206. In addition to the penalties hereinbefore imposed, any person found guilty of corrupt practices shall incur a penalty of not less than twenty-five nor more than one hundred dollars.

207. Any trial or inquiry on a charge of corrupt practices under this

Ordinance shall be had on petition before the Stipendiary Magistrate in manner similar to proceedings to be taken to quash a By-law, and proceedings must be commenced within thirty days after the offence has been committed.

Towns.

208. Whenever a town is incorporated by Ordinance of the Lieutenant-Governor-in-Council, all the powers conferred upon Municipalities by this Ordinance shall extend thereto, and such town shall have power to pass By-laws :

- (1) To establish a fire department, to appoint the officers thereof regulate and provide their remuneration, and prescribe their duties ;
- (2) To provide protection from fire by the purchase of engines and equipment for the extinguishment and suppression of fires ;
- (3) To compel the inhabitants to assist and aid in the extinguishment of fires ; to pull down and raze buildings in the vicinity of fires, for the purpose of preventing the spreading of the same ;
- (4) To regulate fire districts ;
- (5) To make fire limits within which wooden buildings may not be erected ;
- (6) Generally to establish such measures as the safety and welfare of the town may require for the prevention and extinguishing of fires ;
- (7) To purchase, control, erect or build parks and cemeteries ;
- (8) To control and build sewers, drains, ditches and water courses ;
- (9) To build and repair sidewalks ;
- (10) To prevent the incumbering of streets or other public places by buggies, vehicles, wagons, agricultural implements, lumber and other articles :
- (11) To regulate the rate or pace of driving within the Town ;
- (12) To compel the removal of dirt, filth, dust or rubbish off the streets, lanes, alleys or by-ways by the party depositing the same, or by the owner or occupant before whose property it is, or in default, to order the same at his expense ;
- (13) To compel the removal of anything deemed dangerous to the lives of the inhabitants ;

- (14) To license porters, water dealers, or carriers, or common carriers, draymen, hackmen, omnibus drivers and guides, and regulate the same;
- (15) To establish markets and restrain selling on the streets;
- (16) To license or prohibit shows, circuses, theatres or caravans;
- (17) To create a Board of Health, and to define and regulate their duties;
- (18) To license livery stables, sale stables, refreshment houses hotels and places of public resort or accommodation;
- (19) To build waterworks and regulate the same, but not to grant exclusive privileges for the same;
- (20) To erect lamp posts and lamps, and provide for lighting the town;
- (21) To appoint policemen, watchmen and patrols, and regulate and define the duties for the same;
- (22) To make and regulate the use of public wells, cisterns and reservoirs;
- (23) For regulating the assize of bread, and preventing the use of deleterious materials in making bread, and for providing for the seizure and forfeiture of bread made contrary to By-law;
- (24) For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors, or harbourers of dogs;
- (25) For killing dogs running at large contrary to the By-laws;
- (26) And generally to make and establish all such By-laws and regulations for the government and good order of the Town, the suppression of vice and immorality, the protection of property, and the promotion of health, not inconsistent with the Ordinances of the North-West Territories, as it shall be deemed expedient.

209. The Council shall be a Board of Health, and as such may provide hospitals and regulate the burial of the dead; may remove or cause to be removed any unwholesome or nauseous thing; may regulate the location and management of slaughter houses, subject to any Ordinance of the North-West Territories; may require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome thing, and prevent the putting of anything into any stream or pond, or

body of water within the Town or any stream or body of water, from which water is supplied for any purpose, which may be deemed prejudicial to health.

210. The Council may, in addition to the other Municipal officers authorized by this Ordinance, appoint a Street Surveyor, whose duty it shall be, under authority of the Council, to oversee all work on streets, alleys, lanes, by-ways, sidewalks, drains, water-courses and ditches, and generally any work to be done of a public nature.

211. The Council of every Town may by by-law assess against the property of owners to be benefited thereby, the whole or any part of any public improvement or work, such as the laying out or widening of any street, lane, alley or by-way, public square, building site, walks grading and paving streets, building or enlarging drains, sewers, water-courses and ditches, and appropriate land therefor, the property of individuals, both within and without the Municipality; but nothing in this Ordinance shall be taken to allow a Council to enter on or appropriate any land the property of another, without first paying the owner thereof the value thereof in full, the same to be determined by arbitration as in this ordinance provided.

212. Every assessment made under authority of the preceding section for work or improvement or repairs to be done, shall be made by the Street Surveyor.

213. The assessment shall be made upon such property as he deems is directly benefited by such improvement, and no such work or improvement shall be undertaken unless by a petition to the Council of two-thirds of the number of those to be benefited thereby, and who would be assessed therefor, except in case of repairs to work done previously and for which property owners have contributed and then only in a sum not exceeding two hundred dollars, which shall be rateably assessed on the basis of the original assessment.

214. Assessments made under the three preceding clauses shall be signed by the Mayor and Clerk and published weekly for four consecutive weeks in some newspaper published in the Town, or if there be none, then in the newspaper published nearest the Town in which the assessment is made, and in all other respects as to notice, demand, appeal, provision and collection, shall be subject to the provisions of this Ordinance.

215. The Mayor and Council shall be the Court of Revision of the Town.

216. The rate in any year to be levied against property of every kind in Towns, including improvement tax, general fund, local fund and

school rates, together with interest on the debt and sinking fund, shall not exceed two and a half cents on the dollar.

Seal.

217. Every Municipal corporation erected under this Ordinance shall have a corporate seal, which shall be kept in the custody of the Clerk of the Municipality, and said seal shall be chosen by a resolution of the Council.

Road Overseers.

218. It shall be the duty of the Road Overseer, so soon thereafter as convenient after having received a list thereof from the Clerk, to notify parties, liable for the performance of such statute labor, of the same, and to call upon them to attend him at a certain time and place to perform the labor imposed upon them by the Council.

219. All statute labor imposed by this Ordinance shall be done under the direction of the Road Overseer who shall be liable to the Council for the due performance of the same, and shall report to the Council any refusal or neglect of parties assessed to perform the labor imposed upon them.

220. Persons assessed as non-residents shall be deemed to have commuted the statute labor for which they are liable at the rate of two dollars per day, and the amount of the commutation shall be a charge, and shall be collectable against real property, goods and chattels of non-residents as other rates.

221. Every other person liable for the performance of statute labor under this Ordinance shall, within fourteen days after the final revision of the assessment roll, notify the Clerk in writing of his intention to commute the same by the payment as hereinbefore provided, or, failing to do so, he shall be deemed bound to perform the amount of statute labor imposed upon him, when called upon by the Road Overseer, or at such other time as he may direct.

222. Any person liable for the performance of statute labor, except as hereinbefore provided, neglecting or refusing to perform the same when called upon so to do by the Road Overseer appointed by the Council, shall be liable to a penalty of four dollars per day, for every day of statute labor imposed upon him, which he shall so neglect or refuse to perform, which penalty may be recovered in a summary manner before a Justice of the Peace.

223. All statute labor to be done under this Ordinance shall be performed on the public roads of the Municipality, or on the bridges, drains, ditches or water-courses therein, to benefit and improve the same, or as may be determined by the Council.

Poundkeepers.

224. The Council of Every Municipality shall pass By-laws for regulating the remuneration, fees, charges and duties of Poundkeepers, and the security to be given by them for the performance of the same.

- (1) The providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the Pound-keeper to impound;
- (2) For restraining and regulating the running at large or trespassing of any animals and providing for impounding them and for causing them to be sold in case they are not claimed within a reasonable time or in case the damages, fees and expenses are not paid;
- (3) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to By-law;
- (4) For determining the compensation to be allowed for services rendered in carrying out the provisions of any By-law with respect to animals impounded or distrained and detained in possession of the distrainor.

General Provisions.

225. Every Municipality shall have jurisdiction over all township lines and roads within the same, and the Lieutenant-Governor or the Lieutenant Governor in Council may give a Municipality jurisdiction over any roads, or river or stream dividing Municipalities, or adjacent thereto when not dividing Municipalities, and may determine what portion of roads or rivers or streams dividing Municipalities erected under this Ordinance shall be within the jurisdiction of each;

226. Municipalities may control and license Ferries and Bridges erected or authorized by them within their jurisdiction and pass By-laws regulating the fees to be collected thereon, and in case of a stream dividing Municipalities, the Lieutenant-Governor in Council shall determine which Municipality shall have jurisdiction over the same.

227. A candidate for election as Councillor or Mayor or any five voters under this Ordinance may within fourteen days after the Declaration of Election by the Returning-Officer protest the right of a Councillor or Mayor declared elected to act as such, by serving a notice on the Clerk of the Municipality, and on the person whose seat is protested, in writing, setting forth the grounds of such protest, but the party whose seat is protested shall continue to hold office if declared elected until the final determination of the matter by the Stipendiary Magistrate.

228. Every notice served on the Clerk of the Municipality, under the provisions of the foregoing section, shall be accompanied by the sum of fifty dollars, as security for costs, which sum shall be subject to the order of the Stipendiary Magistrate.

229. All proceedings under the above section shall be had by petition before a Stipendiary Magistrate, in which shall be set forth the facts and reasons alleged in support of the protestation, and the Stipendiary Magistrate shall hear such evidence as may be adduced and thereupon may amend the Declaration of the Returning-Officer or confirm the same, or declare the election void, and order a new election with such costs against either party as he may determine.

230. No Municipal Council shall make any appointment to office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration.

231. All officers appointed by a Council shall hold office until removed by the Council, or as expressed by By-law appointing the same, and shall in addition to the duties assigned to them in this Ordinance, perform all other duties required of them by Ordinance of the North-West Territories.

232. The Municipal Council, in addition to defining the duties of its officers, shall exact security from the treasurer and collector and such other officers as they may determine for the faithful performance of their duties, and it shall be the duty of every Council at its first meeting, or within a reasonable time thereafter, to examine and renew the securities given by its officers.

233. Municipal officers shall be liable for their acts, and for damages arising from their refusal or neglect to discharge their duties to the Municipality, in addition to penalties imposed by violation of any of the provisions of this Ordinance.

234. If any officer of any Municipality refuses or neglects to perform any duty required of him by this Ordinance, he shall, on conviction thereof before any Justice of the Peace having jurisdiction in the Municipality of which he is an officer, be fined in a sum not exceeding one hundred dollars and costs, such penalty to be paid into the General Fund of the Municipality.

Arbitrations.

235. The appointment of all Arbitrators shall be in writing under the hand of the appointors, or in the case of Municipalities, under the corporate seal, and authenticated in like manner as By-laws.

236. Where arbitration is directed or authorized by this Ordinance,

either party may appoint an arbitrator and give notice thereof in writing to the other party, calling upon him to appoint an Arbitrator on his behalf; and, a notice to a Municipality shall be given to the head thereof.

237. The two Arbitrators appointed by or for the parties, shall within seven days from the date of the appointment of the last named Arbitrators, appoint in writing a third, in case the two appointed are not able to come to a final determination.

238. Where more than two parties are interested, each of them shall appoint an Arbitrator, and if there should be an equal number of Arbitrators, the Arbitrators so appointed shall appoint another, or in default, at the expiration of twenty-one days after the last of such Arbitrators has been appointed, the Lieutenant-Governor in Council, or the Lieutenant-Governor, may, on application of any one of the parties interested, appoint such Arbitrators.

239. In any case of neglect or refusal of any party to appoint an Arbitrator, when notified so to do, or in case of two parties appointed and being unable to agree upon a third, the Lieutenant-Governor shall, upon application of any one of the parties interested in such Arbitration, appoint a party or parties to act for and on behalf of the party so refusing, or a third Arbitrator, as the case may be.

240. Within ten days after the appointment of the third Arbitrator, the Arbitrators appointed shall meet to hear and determine the matter referred to them.

241. In any of the cases hereinbefore provided, the Arbitrators shall make their award within one month after the appointment of the third Arbitrator.

242. No member, officer or person in the employment of any Municipality interested in any arbitration shall be appointed to act as such Arbitrator.

243. Every Arbitrator, before proceeding to try the matter of the Arbitration, shall take and subscribe the following oath before any Justice of the Peace or Notary Public:

I, A. B., do swear that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence, to the best of my skill and knowledge. So help me God.

244. All evidence taken by any Court of Arbitration under this Ordinance, shall be taken on oath, and any Arbitrator is hereby empowered to administer the same.

245. A majority of the Arbitrators so appointed shall make the award, and a copy thereof shall be furnished to each of the parties interested in the matter referred to Arbitration.

246. The Arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may direct the payment of a fixed sum. See Schedule "A" to this Ordinance.

247. Full notes of the evidence taken by Arbitrators under this Ordinance shall be made, and, together with any documents submitted in proof of any allegations made on behalf of parties interested, shall be retained by the Chairman of the Court of Arbitration, or until an order is issued by a Stipendiary Magistrate or some court of competent jurisdiction, to produce the same in case of an appeal from the decision of the Arbitrators.

248. Every award under this Ordinance shall be in writing, and under the hands of all or of a majority of the Arbitrators, and shall be subject only to the jurisdiction of a Stipendiary Magistrate, or court of competent jurisdiction.

249. An award made by Arbitrators under this Ordinance may be referred back by the Stipendiary Magistrate or Court for amendment or for additional evidence, or may be set aside on questions of law, but not on questions of fact.

Sale of Land for Taxes.

250. The Clerk of every Municipality shall furnish to the Sheriff for the district in which the Municipality is situated a list of all the lands in his Municipality in respect of which any taxes shall have been in arrears for two years preceding the first day of January in that year, and the said list shall be so furnished on or before the first day of February in every year, and shall be headed in the words following: "List of Lands liable to be sold for Arrears of Taxes in the year one thousand eight hundred and _____," and for the purposes of this Ordinance, the taxes for the first year of the two which have expired under the provisions of this Ordinance on any land to be sold for taxes shall be deemed to be due for two years, although the same may not have been placed on the Collector's roll till some month in the year later than the first day of January, or notwithstanding the time for the payment of taxes may have been extended by the Council of the Municipality.

251. The list so furnished to the Sheriff shall contain all the charges for all rates levied by the Municipality, or so much thereof as remain unpaid, together with any additional percentage which may have been charged by the Council against taxes remaining unpaid after a given period, together with interest on the whole amount then due.

252. The Clerk of the Municipality shall keep a duplicate of the list so furnished to the Sheriff in his office, which shall be subject to the inspection of any person requiring to see the same.

253. After the said list has been furnished to the Sheriff as aforesaid no more money on account of any arrears of taxes included in the said list shall be received by any officer of the Municipality to which the list belongs.

254. The collection of the arrears shall thenceforth belong to the Sheriff alone, and he shall receive payment of such arrears in whole, but in no case shall he receive a part unless the whole arrears be paid, or satisfactory proof be produced of previous payment, or that an erroneous charge has been made in whole or in part, and the Sheriff shall give a receipt therefor, specifying the amount paid, for what period, the description of lot or parcel of land, and the date of payment.

255. Any Municipality may by By-law remit the whole or any part of the taxes so in arrears within the Municipality and upon the passing of such a by-law the Clerk of the Municipality shall forthwith transmit a copy of such By-law to the Sheriff, and the Sheriff or such officer as acts for him, shall then collect only so much of said taxes in arrears as are not by the By-law remitted.

256. The Sheriff shall on demand give to the owner of any land charged with arrears of taxes a written statement of the arrears as appears in his office at that date, and he may charge a fee of twenty cents for each search on every parcel of land not exceeding four, and ten cents for every parcel exceeding four.

257. The Sheriff shall keep a separate book or books for each Municipality, in which he shall enter all the lands in the Municipality on which it appears from the list furnished to him by the Clerk, that there are any taxes remaining unpaid, and the amounts so due, and he shall, in every year before the first day of May, balance his book and shall show the total amounts then due against each parcel or piece of land, together with interest thereon.

258. The Sheriff shall annually on or before the fifteenth day of August prepare a list of all lands against which arrears of taxes remain unpaid in his office, and shall add thereto a commission of two and one-half per cent., for selling, and a proportionate cost of the publication of the list of any advertising required to be done by him to carry out the provisions of this Ordinance, the list to state under separate heads the Municipality, lot, or section, township, range, number of acres, or size of lot, amount in arrears, and costs, and total amount against the land.

259. The lists so prepared by the Sheriff shall be headed, "Lists of

Lands to be sold for Taxes," and shall, in addition to the provisions hereinbefore contained, state when the lands are to be sold and where, and the said lists shall be published for eight weeks in the North-West Gazette, or in some weekly paper published in the Capital of the North-West Territories, or if there is no such weekly paper, then in some newspaper to be designated by the Lieutenant-Governor, and shall cause to be posted up a similar list in at least four conspicuous places in each Municipality, and in the office of the Clerk of the Municipality where the lands or any of them are situated that are advertised to be sold.

260. The Sheriff shall, within one month after the first publication of the sale as hereinbefore provided, proceed to sell the lands by public auction, and the lands shall be offered for sale in lots or parcels as the case may be against which the arrears of taxes, together with costs and charges stand.

261. Where the title to any land sold for arrears of taxes is in the Crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognise or admit that any person possesses under any color of right whatever; and the Municipality on whose behalf any land shall be sold for arrears of taxes as aforesaid shall, in case of any such sale being declared invalid, be liable only for the purchase money actually paid therefor to the Municipality and interest thereon as for damages or otherwise.

262. It shall not be the duty of the Sheriff to make enquiry before effecting the sale of land for taxes to ascertain whether or not there is any distress on the land, nor shall he be bound to inquire into nor form any opinion of the value of the land.

263. The Sheriff shall offer each lot or parcel of land separately, and shall state the whole amount due on said lot or parcel, and shall sell the whole or so much as is necessary to the party who pays the whole of the amount due on account of said arrears, costs and charges.

264. The land adjudged to be sold by the Sheriff under this Ordinance shall be, (when the land is not sub-divided into lots as defined in this Ordinance,) commencing at the south-east corner, and shall conform as nearly as may be to the shape and number of acres in the lot or parcel of land offered for sale, and shall include the buildings or other improvements thereon, and when the land has been sub-divided into lots, if the whole lot is not sold, the amount adjudged to be sold shall be a strip off the whole southerly side of said lot, and shall include the buildings or other improvements thereon.

265. All sales of lands for taxes shall take place and be holden within

the limits of the Municipality where the land to be sold is situated, unless otherwise directed by the Lieutenant-Governor in Council.

266. The owner or agent of any land may pay the arrears, with costs and charges against the same, at any time before the same are sold.

267. The Sheriff may adjourn the sale from time to time, but at the time of such adjournment shall publicly state at what time the sale shall be resumed.

268. If the purchaser of any land fails immediately to pay the arrears costs and charges against any land, the Sheriff shall forthwith put up the property for sale.

269. The Sheriff, after selling any lands for taxes, shall give a certificate under his hand to the purchaser, stating what part of the land has been sold, describing the same as in notice of sale, the quantity sold, the sum for which it has been sold, and further stating that the land so sold will be conveyed by the Sheriff to the purchaser or his assigns, on his or their demand, at any time after two years if the same be not previously redeemed.

270. The purchaser shall, on receipt of the Sheriff's certificate, become the owner of the land, so far as to have all the necessary rights of action and powers for protecting the same for spoliation or waste until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber upon the land or otherwise injure the land, nor shall he do so himself, but he may use the land himself without deteriorating its value, provided that the purchaser shall not be liable for damage done to the property without his knowledge.

271. The owner, or his agent appointed by him in writing, may redeem any land sold by the Sheriff for arrears of taxes at any time after the sale thereof and before the expiration of two years, by paying to him the full amount for which the land was sold and interest thereon at the rate of twenty per centum per annum, to be computed from the date of sale, and an additional commission to the Sheriff of two and one-half per cent.

272. From and after the payment to the Sheriff of the amount of redemption money as aforesaid, the purchaser shall cease to have any further rights in or to the lands in question.

273. The purchaser shall be entitled to receive the full amount of purchase money from the Sheriff for the land so redeemed, together with interest to be computed at the rate of twenty per cent. per annum, from

the date of the certificate given to him by the Sheriff to the date of the redemption.

274. If the land be not redeemed within the period allowed for its redemption, being two years from the date of sale, exclusive of that day, then on demand of the purchaser or his assigns or other legal representatives at any time afterwards and on payment of two dollars, the Sheriff shall prepare and execute and deliver to him or them a deed in duplicate of the land sold.

275. Such deed shall be in the form, or to the same effect, as in Schedule "B" to this Ordinance, and shall state the date and cause of sale and the price, and shall describe the land according to the description in the certificate, and such deed shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives in fee simple, and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrears or any error in describing the land.

276. "Sheriff" in this Ordinance shall mean the Sheriff for the North-West Territories, or for the district in which the Municipality is situated, or the Sheriff's officer duly appointed and authorized by law to act for him.

277. The Sheriff shall, within one month after the receipt of any money on account of arrears of taxes, pay the same to the Treasurer of the Municipality on whose account the money was received.

278. The Sheriff, in addition to the fees, commissions and charges for selling, shall be entitled to receive a commission from the Municipality of two and one-half per cent. on all moneys collected on account of arrears of taxes, and may deduct the same from any money remaining in his hands to the credit of the Municipality.

Municipal Boundaries.

279. The Municipality of "Moosomin" shall be composed of the following described area:—

Range 30, west of the first Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16, 17, 18;

Range 31 west of the first Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16, 17, 18;

Range 32 west of the first Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16, 17, 18;

Range 33 west of the first Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16, 17, 18;

Range 34 west of the first Principal Meridian;

Townships—Any fractional parts of Townships from 10 to 18 inclusive in said range.

280. The Municipality of "Whitewood" shall be composed of the following described area:

Range 1, west of the second Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16, 17, 18;

Range 2 west of the second Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16, 17, 18;

Range 3 west of second Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16 and that part of 18 not included in the Indian Reserve;

281. The Municipality of "Broadview" shall be composed of the following described area;

Range 4 west of the second Principal Meridian;

Townships 10, 11, 12, 13, 14, 15, 16;

Range 5 west of the second Principal Meridian;

Part of Township 10, not included in the Indian Reserve, and Townships 11, 12, 13, 14, 15, 16;

Range 6 west of the second Principal Meridian;

Part of Township 10 not included in the Indian Reserve, and Townships 11, 12, 13, 14, 15, 16, and part of Township 17, not included in Indian Reserve;

Range 7 west of the second Principal Meridian;

Part of Township 10 not included in Indian Reserve and Townships 11, 12, 13, 14, 15, 16, 17, 18, 19A and 19:

282. The Municipality of "Wolseley" shall be composed of the following described area:

Range 8 west of the second Principal Meridian;

Townships 12, 13, 14, 15, 16, 17, 18, 19A, 19;

Range 9 west of the second Principal Meridian;

Townships 12, 13, 14, 15, 16, 17, 18, 19A, 19;

Range 10 west of the second Principal Meridian;

Townships 12, 13, 14, 15, 16, 17, 18, 19A, 19;

283. The Municipality of "Indian Head" shall be composed of the following described area;

Range 11 west of the second Principal Meridian;

Townships 12, 13, 14, 17, 18, 19A, 19;

Range 12 west of the second Principal Meridian;

Townships 12, 13, 14, 17, 18, 19A, 19;

Range 13 west of the second Principal Meridian;

Townships 12, 13, 14, 17, 18, 19;

284. The Municipality of "South Qu'Appelle" shall be composed of the following described area:

Range 14, west of the second Principal Meridian;

Townships 14, 15, 16, 17, 18, 19.

Range 15, west of the second Principal Meridian;

Townships 14, 15, 16, 17, 18, 19, and all that part of 20 not included in the Indian Reserve.

Range 16, west of the second Principal Meridian;

Townships 14, 15, 16, 17, 18, 19, and all that part of 20 not included in the Indian Reserve.

285, The Municipality of "Wascana" shall be composed of the following described area:

Range 17, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 18, west of second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 19, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19, excepting that area erected into the Municipality of the Town of Regina;

Range 20, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19, excepting that area erected into the Municipality of the Town of Regina;

Range 21, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 22, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19.

286. The Municipality of "Moose Jaw" shall be composed of the following described area:

Range 23, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 24, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 25, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 26, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19, excepting that area erected into the Municipality of the Town of Moose Jaw;

Range 27, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 28, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

Range 29, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19;

287. The Municipality of "Qu'Appelle" shall be composed of the following described area: Range 11, west of the second Principal Meridian Townships 20, and all that part of Townships 21, 22 and 23, not included in the Indian Reserve.

Range 12, west of the second Principal Meridian,

UNIVERSITY OF REGINA LIBRARY

Townships 20, 21, 22, 23;

Range 13, west of the second Principal Meridian,

Townships 20, 21, 22, 23;

Range 14, west of the second Principal Meridian,

Townships 20, 21, 22, 23;

Range 15, west of the second Principal Meridian,

Townships—that part of 21 North Qu'Appelle River, 22, 23;

Range 16, west of the second Principal Meridian,

Townships—that part of 21 North Qu'Appelle River, 22, 23.

The provisions of this section adding certain lands to the Municipality of Qu'Appelle, as the same was established by the North-West Municipal Ordinance of 1884, shall not come into effect until the first day of October A. D. 1886.

288. The Municipality of the "Town of Regina" shall be composed of the following area:

Section (19) Nineteen and the South half ($S\frac{1}{2}$) of Section Thirty (Sec. 30), in Township Seventeen (17), in Range (19) Nineteen, West of the Second initial Meridian, and Section Twenty-four (24) and the South half ($S\frac{1}{2}$) of Section Twenty-five (25) in said Township Seventeen (17), in Range 20, West of said Second Meridian.

289. The Municipality of "The Town of Moose Jaw" shall be composed of the following area:

Sections numbered Thirty-two (32) and Thirty-three (33), in Township Sixteen (16), in Range Twenty-six (26), West of the Second Principal Meridian, in the said North-West Territories.

290. The Municipality of "Pheasant Plains" shall be composed of the following described area:

Range 6, west of the second Principal Meridian,

Townships 19, north of the Qu'Appelle River, and 20, 21, 22, 23;

Range 7, west of the second Principal Meridian,

Townships 19, 20, 21, 22, 23;

Range 8, west of the second Principal Meridian,

Townships 20, 21, 22, 23;

Range 9, west of the second Principal Meridian,

Townships 20, 21, 22, 23;

Range 10, west of the second Principal Meridian,

Townships 20, and all that part of 21 and 22, not included in the Indian Reserve.

291. No liability heretofore incurred nor liability existing which shall operate as a debt against a Municipality now established, shall attach to any of the lands added to such Municipality by this Ordinance, and any existing debt for which any Municipality is now liable or any by-law which may be now or hereafter passed for the purpose of rais-

ing money by way of loan, and which shall come into operation and take effect before the passing of this Ordinance, or shall come into effect under the provision thereof shall attach to any of the lands or property therein liable to assessments, added to a Municipality by this Ordinance, and the rates and assessments, authorized by any by-law, shall be levied upon the property which would be liable therefor if this Ordinance had not passed.

Oaths and Declarations to be taken under this Ordinance.

292. Form of affidavit to be appended to Petitions for erection of Municipalities:

I, _____ of the _____ of _____
in the North-West Territories _____ solemnly swear that the total
number of residents in the area described in the annexed petition is _____
That the total number _____ have signed the annexed petition
That I was personally present and did see the parties sign the same.

293. Every person elected or appointed under this Ordinance to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office or enters on his duties, make and subscribe a solemn declaration to the following effect.

I, A. B. do solemnly swear that I am a British Subject. and have to my own use and benefit, in my own right (or in the right of my wife) as proprietor or tenant at the time of my election or appointment, as the case may be, to the office of _____ hereinafter referred to, such an estate as does qualify me to act in the office of _____ and that such estate is (naming the nature of it) and is of the value of _____ dollars over and above all charges, liens and incumbrances affecting the same.

(Signed)

A. B.

294. Every member of the Municipal Council, Mayor, Chairman, Clerk, Assessor, Collector, constable shall, before entering on the duties of his office, make and subscribe a solemn declaration to the following effect:

I, _____ do solemnly declare and promise that I will truly faithfully and impartially, to the best of my knowledge and ability, execute the office of _____ to which I have been elected or appointed, (as the case may be) in this Municipality, and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the said office, and that I have not by myself or on behalf of any other person, either directly or indirectly, any interest in any contract with or on behalf of the said corporation.

295. The Solemn Declaration to be made by every auditor shall be as follows:

I, A. B., having been appointed to the office of Auditor for the Municipality of _____ do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability, and I do solemnly declare that I had not, either directly or indirectly

any share or interest whatever in any contract with, by or on behalf of such Municipal Corporation during the year preceding my appointment, (except as Auditor, if such be the case), and that I have not any contract with the said Corporation except that of Auditor for the present year.

296. The head and every member of the Council and the subordinate officers of the Municipality shall make the Declaration of Office and Qualification before some Justice of the Peace or Notary Public, not being a member of the Council, and the Justice of the Peace or Notary Public shall give the necessary certificate of the same having been duly made and subscribed.

Executions Against Municipal Corporations.

297. Any writ of execution against a Municipal Corporation may be endorsed with the direction to the Sheriff to levy the amount thereof by rate and the proceedings thereon shall be the following:

- (1.) The sheriff shall deliver a copy of the writ and endorsement to the Treasurer of the Municipality with a statement in writing of the Sheriff's fees and of the amount required to satisfy such execution, including the amount of interest thereon, and demand the payment of the same;
- (2.) In case the amount demanded is not paid to the Sheriff within thirty days after the service, the Sheriff shall examine the assessment roll of the Corporation, and shall in like manner as rates are struck for general Municipal purposes, strike a rate sufficient in the dollar to cover the amount due on execution with such addition to the same, as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage, up to the time when such rate will probably be available;
- (3.) The Sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the collector or collectors respectively of the Municipality and shall annex to every precept the roll of such rate and shall by such precept after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors, within their respective jurisdiction, to levy such rate at the time and in the manner by law required in respect to the general annual rates.
- (4.) In case at any time for levying the annual rates, next after receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto headed; Execution rate in A. B. vs. the Corporation of the Municipality of ———, as the case may be, adding a similar column, if there are more executions than one, and shall insert therein the

amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall within the time they are required to make the returns of the general annual rate, return to the sheriff, the precept with the amount levied thereon, deducting their percentage.

- (5) The Sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Treasurer for the general purposes of the Municipality;
- (6) In case the Collector of any Municipality, against which an execution has issued, is not paid by percentage fixed by By-law of the Municipality, he shall be paid for such collections a sum not exceeding two and a half per cent.

298. The Clerk, Assessors and Collectors of the Corporation shall, for the purposes of the carrying into effect, or permitting or assisting the Sheriff to carry into effect the provisions of this Ordinance, with respect to such execution be deemed to be officers of the Court from which such writ issued, and as such, may be proceeded against by attachment, mandamus or otherwise, to compel them to perform the duties hereby imposed upon them.

299. All Ordinances respecting Municipalities heretofore passed are hereby repealed.

300. This Ordinance shall come into force on the first day of February 1886, except Section 194, which shall not take effect until after the thirtieth day of April next.

301. This Ordinance shall be known and may be cited as "The Municipal Ordinance of 1885."

Election for Mayor, or Alderman, or Councillors (as the case may be).

Municipality of

Polling Sub-division (if any) No.

Ballot No.

FORM NO. 1.
(Referred to in Section 47.)
FORM OF BALLOT PAPER.

FOR MAYOR, OR FOR ALDERMAN, OR FOR COUNCILLOR.	
1.	JOHN ADAM, Farmer.
2.	WILLIAM BROWN, Builder.
3.	JAMES CAMPBELL, Contractor.
4.	JAMES P. DILL, Merchant.
5.	WILLIAM C. HAMILTON, Lawyer.
6.	WILLIAM D. PERLEY, Farmer.
7.	HUGH RICHARDSON, Operator.

FORM NO. 2.*(Referred to in Section 51.)***DIRECTION FOR GUIDANCE OF VOTERS.**

The Voter will go into one of the apartments provided, and with a pencil make a cross opposite the name or names, on the right hand side of the ballot paper, of the party or parties, for whom he wishes to vote, thus x.

If the Voter votes for more candidates than he is by law entitled to vote for, his ballot paper will be void, unless he discovers the fact before the same is deposited in the ballot box, when he can obtain a new one from the Returning officer.

If the Voter inadvertently spoils a ballot paper, he can obtain a new one, on satisfying the Returning officer of the fact.

If the Voter places any mark on the ballot paper, by which he may afterwards be identified his ballot paper will be void.

The voter after he has made the cross x opposite the name or names of the party or parties for whom he wishes to vote, shall fold up his ballot paper so as to show the initials of the Deputy Returning Officer on the back thereof, but so as to conceal the manner in which he has voted, and shall deliver the same to the Deputy Returning Officer, and shall forthwith quit the polling place.

(Referred to in Section 53.)

[illegible]

SCHEDULE "A."

(See Section 246.)

Every Arbitrator appointed under this Ordinance shall be entitled to receive a sum for his services of not less than	\$5.00 per day of six hours.
Nor more than	\$10.00 per day of six hours.
For every meeting where the cause is not proceeded with, but a postponement is made at the request of either party	\$2.00
For each hour occupied in such proceedings less or more than six hours	At the rate per hour of \$1.
For drawing the award	Arbitrators may charge \$5.

SCHEDULE "B."

(See Section 275.)

To all to whom these presents shall come,

I, _____, of _____, in the North-West Territories,
 Sheriff, send greeting.

Whereas, by virtue of authority vested in me by the North-West Municipal Ordinance of 1885, I did on the _____, day of _____ in the year of our Lord one thousand eight hundred and _____, sell by public auction the land hereinafter mentioned for arrears of taxes and costs and charges thereon to _____, of _____, in the _____ at _____ and for the price and sum of _____ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon, up to the _____ day of _____ in the year of our Lord one thousand eight hundred and eighty _____, together with costs.

Now know ye that I, _____, the said Sheriff, in pursuance of such sale and of the North-West Municipal Ordinance of 1885 and for the consideration aforesaid, do hereby grant, bargain and sell unto the said _____ of _____ in the _____ his heirs and assigns all that certain parcel and tract of land and premises, containing _____ being composed (describe the land so that the same can be readily identified.)

In witness whereof I, the said Sheriff, have hereto set my hand and affixed my seal this the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____
 (Signed)

Sheriff.

(Corporate Seal.)

No. 3 of 1885.*An Ordinance to amend and consolidate as amended
the School Ordinance of 1884.**Passed 18th December, 1885.*

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

Board of Education.

1. The Lieutenant-Governor in Executive Council may appoint, and constitute a Board of Education for the North-West Territories, composed of five members, two of whom shall be Roman Catholics, and two shall be Protestants, and the Lieutenant-Governor, who shall be chairman.
2. The Members of the Board shall be paid for their services four dollars for each day of attendance at their meetings, and their actual travelling expenses.
3. A majority of the Board of Education shall be a quorum.
4. Any member of the Board absenting himself from the meeting of the Board, or from the meeting of his section, as hereinafter defined, for six months, shall be considered to have resigned his position, and the other member of the section to which he belongs, shall notify the Lieutenant-Governor of the vacancy so caused, and the Lieutenant-Governor shall appoint his successor.
5. It shall be the duty of the Board :—
 - (1) To meet twice a year at least at Regina ;
 - (2) To appoint Inspectors, who shall hold office during the pleasure of the Board, and to remunerate them for their services ;
 - (3) To appoint a Board or Boards of Examiners for the examination of teachers, whose qualifications shall from time to time be prescribed by the Board of Education ;
 - (4) To provide for the expenses of the Board of Examiners ;
 - (5) To arrange for the proper examination, grading, and licensing of teachers, and the granting of certificates ; such certificates to be of three classes, viz., a first, second, and third class certificate and a provisional certificate ;

(a) Every such certificate of qualification shall have the signature of a Member of the Board, but no certificate shall be given to any teacher who does not furnish satisfactory proof of good moral conduct;

- (6) To appoint a Secretary to the Board, and to provide for his salary;
- (7) To make from time to time such regulations as they may think fit, for the general organization of schools;
- (8) To make regulations for the registering and reporting of daily attendance at all schools;
- (9) To cause to be kept a proper record of the proceedings of the Board;
- (10) To determine all Appeals from the decisions of Inspectors of Schools, and to make such orders thereon as may be required;
- (11) To prescribe the form of school register for all schools;
- (12) To make regulations for the calling of their meetings from time to time, and prescribe the notices thereof to be given to members.

6. The Board of Education shall resolve itself into two sections, the one consisting of the Protestant, and the other of the Roman Catholic members thereof, and it shall be the duty of each section:

- (1) To have under its control and management the schools of its section, and to make from time to time such regulations as may be deemed fit for their general government, and discipline, and the carrying out of the provisions of this Ordinance;
- 2) To cancel the certificate of a teacher upon sufficient cause;
- (3) To select, adopt, and prescribe a uniform series of text books, to be used in the schools of the section.

SCHOOL DISTRICTS.

7. The words "School District" shall mean any tract of land declared by the Lieutenant-Governor, as hereinafter provided, to be such school district, and the inhabitants thereof shall be a body corporate and politic for the purposes and with the powers and liabilities hereinafter specified.

8. Every school district shall be known under the corporate name of

the "School District of _____" (here insert the name chosen by the people of district) "Protestant" (or "Catholic") "public" (or "separate") "school district No. _____" (given by Lieutenant-Governor or Lieutenant-Governor in Council) "of the North-West Territories."

9. A Protestant or Catholic, public or separate school district, shall, at its erection comprise an area of not more than thirty-six square miles, its extreme limits being not more than nine miles apart and shall contain not less than four resident heads of families with a population of children of school age, that is to say, between the ages of five and sixteen, of not less than ten.

10. "Elector" shall mean any man or unmarried woman of the full age of twenty-one years, not an alien or unenfranchised Indian, who has within the limits of any proposed or existing school district, possession, in his, or in right of his wife, or her own right, of any land of the value of one hundred dollars, or who is an occupant and cultivator of unpatented Dominion Lands of the value of one hundred dollars, whether as a homesteader or otherwise, and any person who has as a joint tenant or tenant in common, an unexpired lease for the term of one year of any certain parcel of land, of which the yearly rental is at least twenty dollars.

FORMATION OF SCHOOL DISTRICTS.

11. Any three resident electors of any locality fulfilling the requirements of section ten of this Ordinance may be formed, or may form themselves into a committee to procure its erection into a school district and may petition the Lieutenant-Governor for such erection.

12. The petition shall set forth:

- (1) The proposed name in full, limits, definite location and approximate area of the proposed district;
- (2) The approximate value of the taxable property within the proposed limits;
- (3) The distance from, and the location of the nearest school district;
- (4) The name and address of a resident elector who shall act as returning officer;
- (5) Approximately the total population, the adult population and the population of children of school age as defined in section nine of this Ordinance resident within the proposed district;
- (6) By an accompanying sketch, plan or map of the proposed dis-

trict, its boundaries, principal legal sub-divisions, principal physical features and general location;

(7) The date upon and place at which a meeting of the school electors of the proposed district will be held to decide whether the majority is in favor of the locality being erected into a school district or not and elect trustees.

13. The petition must be accompanied by an affidavit of the several members of the committee, made before a justice of the peace, or a notary public, resident within the limits of the proposed district or as near thereto as may be, that the members of the committee are *bona fide* resident electors of the proposed school district, and that the statements made in the petition are correct.

14. At least twenty-one days before the day mentioned in the petition to the Lieutenant-Governor as the one upon which the before mentioned meeting is to be held, the committee shall cause to be posted up in at least five conspicuous and widely separated places within the district, copies of the following notice:

NOTICE.

"All parties are hereby notified that the undersigned committee have petitioned the Lieutenant-Governor for the erection of (*give name in full*) school district within the following limits, that is to say (*define limits*) and hereby call a meeting of the school electors within these limits to decide whether such petition shall be granted or not, to be held on the day of at from 12 o'clock noon till 4 p. m. and to elect three school trustees. The qualification of voters is expressed in the following oath which persons desiring to vote must take, if required:—"You do solemnly swear that your name is (*mention name given by the proposed voter*); that you are the owner (tenant or occupant) of (*describe the land voted upon*); that it is of the value of one hundred dollars (or, if a tenant, of the yearly value of twenty dollars); that it is situated within the limits of the proposed school district, that you are of the full age of twenty-one years; that you are not an alien or unenfranchised Indian; that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time and place"

(Signed)

(Name of member of committee who is to act as returning officer.)

Returning Officer.

(Name of second member of committee)

(Name of third member of committee)

School Committee.

(1) Such notice may be either printed or written.

15. The Lieutenant-Governor shall acknowledge the receipt of the petition for the proposed school district, to the returning officer named in sub-section 4 of section 12, and state whether he approves of the erection of the same, or not.

16. The returning officer shall preside over the proceedings of the meeting mentioned in sub-section 7 of section 12, and the electors present at such meeting shall appoint a secretary who shall record the proceedings of the meeting and perform all other such duties as may be required of him by this ordinance.

17. The returning officer shall decide all questions of order, subject to

an appeal to the meeting; and in case of an equality of votes, he shall give the casting vote, but he shall have no vote except as chairman.

18. The chairman of the meeting shall take the votes in the manner desired by a majority of the electors present; but he shall, at the request of any two electors, grant a poll for recording by the secretary the names of the voters present; such poll shall close at 4 o'clock p. m.

19. If required by any person present, or of his own accord, if deemed advisable the chairman of the meeting shall administer the oath prescribed in section 14 of this ordinance.

20. If it is desired in the case of any person voting under this ordinance to appeal against the decision of the returning officer or chairman of such school district meeting, such appeal must be notified to the chairman of the meeting within three days of the meeting and must be made under oath within three days before a Justice of the Peace, and the appellant shall forward it to the Stipendiary Magistrate of the judicial district within which the school district affected is situated together with the sum of twenty-five dollars, and the stipendiary magistrate shall thereupon investigate such appeal and shall confirm the election or vote, or set it aside with costs or otherwise and appoint the time and place of holding a new meeting if necessary.

21. If the majority of votes taken at this meeting is against the erection of a school district, the chairman shall notify the Lieutenant-Governor.

FIRST ELECTION OF TRUSTEES.

22. So soon as the majority of the electors at this first school meeting have decided in favor of the erection of the school district the electors present shall, by a majority of votes, elect from the resident electors in the school district, three trustees.

23. The qualification of persons who may be elected as trustees, shall be the same as required in the case of voters, with the addition that the candidate must be possessed of real or personal property to the amount of five hundred dollars, and in case other than the first election, has no contract either direct or indirect, with the school district.

24. Every elector shall be entitled to cast as many votes as there are trustees to be elected, but in no case shall any one elector cast more than one vote for any one candidate at the same election.

25. Within seven but not before the expiration of three days after the date of their elections, the chairman of the meeting and the trustees elect shall appear before a justice of the peace and the chairman shall make an affidavit before such justice that the trustees elect were elected by a majority of the electors at the school district meeting mentioned in section 22.

- (1) Each trustee elect shall take the following oath of office before a Justice of the peace.

I, A. B., do solemnly swear that I will to the best of my ability honestly and faithfully discharge the duties devolving upon me as Trustee of (*name of school district in full*) School District No. _____ during the term for which I have been elected in accordance with the Ordinance of the North-West Territories. So help me God.

- (2) The justice of the peace shall grant to each trustee, after he has taken the foregoing oath, a certificate of election in the following form :—

I, A. B., one of Her Majesty's Justices of the Peace in and for the North-West Territories, hereby declare that (*give name, residence and occupation of person mentioned*) elected school trustee for (*give name of school district*) to hold office until the thirty-first day of October, 18____ has this day taken before me the oath of office prescribed in sub-section one of section 25 of the Ordinance respecting schools of the North-West Territories.

Dated _____

(Signed) _____

A. B.

Justice of the Peace.

- (3) If through any unavoidable cause, a trustee elect does not take his oath of office, as herein provided, the chairman of the meeting shall appoint another day, notifying him of the same, for taking such oath, and shall report the circumstance to the Board of Education.

26. A copy of each certificate so granted shall be forwarded by the returning officer to the Board of Education.

27. The trustees elected at a first school district meeting shall continue in office until the thirty-first day of October next ensuing the one following their election.

PROCLAMATION.

28. On receiving the report of a first school meeting, the Lieutenant-Governor shall, if the majority of the votes at the school district meeting has been in favor of the erection of the school district, forthwith proclaim the district a school district in accordance with the terms of the petition addressed to him in that behalf with such number as he may see fit, and in manner as hereinafter provided.

29. The proclamation of the Lieutenant-Governor erecting any district into a school district shall set forth :

- (1) The name in full, number, situation and limits thereof ;
- (2) The date and place at which the meeting of electors and the election of trustees was held ;
- (3) The names of the elected trustees.

30. If two or more petitions for the erection of school districts, the pro-

posed boundaries of which overlap, are received before any of the districts are erected by proclamation as hereinbefore provided, the Lieutenant-Governor shall, on receiving the returns of the voting in favor of their erection, before issuing the proclamation defining the boundaries, correspond with the Inspector of schools for the district or districts, and require him to report upon the matter. The Lieutenant-Governor shall then alter the proposed boundary lines in such manner as shall appear to be an equal division of the territory in dispute between the said districts and shall so declare and fix the boundaries in his proclamation; provided always that, in case of such alteration of boundaries, if any district be reduced below the standard provided in section nine of this Ordinance, then such district shall not be so erected into a school district on the petition sent in.

SEPARATE SCHOOLS.

31. In accordance with the provisions of "The North-West Territories Act, 1880," providing for the establishment of separate schools, it shall be lawful for any number of property holders resident within the limits of any public school district or within two or more adjoining public school districts or some of whom are within the limits of an organized school district and others on adjacent land not included within such limits, to be erected into a Separate School District by proclamation of the Lieutenant-Governor with the same rights, powers, privileges, liabilities and method of government throughout as hereinbefore provided in the case of public school districts.

32. Such separate school district shall be erected on petition of all those desiring to have their land set aside as a separate school district,

33. The petition for the erection of a separate school district shall state in addition to the particulars mentioned in sub-sections 1 and 6 of section twelve of this Ordinance:—

- (1.) The description of the land held by each petitioner, its area, assessed value or probable assessable value, if outside the limits of a municipality, its situation in regard to present organized school districts as well as Dominion lands surveys and natural boundaries;
- (2.) The number of children of school age resident within and adjacent to the proposed district, of the religious faith of the petitioners, who would probably attend such school.

34. Each such petition shall be accompanied by an affidavit of some person competent to verify the signatures and facts therein set forth.

35. Upon the receipt of such petition, the Lieutenant-Governor shall if there be no impediment requiring the consideration of the Lieutenant-

Governor-in-Council, issue a proclamation erecting such separate school district and order the first election of Trustees. fixing the date thereof, and appoint a returning officer who shall conduct the election as is provided in sections 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26, and the trustees elected shall proceed as provided in section 25.

36. The Lieutenant-Governor shall at the same time notify, in writing, the Board of Trustees of any public school district that may include the whole or any part of such separate school district within its limits, of the fact of the erection of such separate school district and of the lands of such separate school district having been withdrawn from such public school district.

37. Any land and personal property therein set apart as a separate school district, shall be assessable by the public school district, within whose organized limits it is situated, for the purpose of paying off any debenture indebtedness that may have been incurred, during the time that such land was included as a part of such public school district in the same manner and time and at the same rates as the remaining portion of such public school district may be assessed to pay off such indebtedness, but for no other purpose whatever.

DIVISIONS AND ADDITIONS TO SCHOOL DISTRICTS.

38. Any public school district may be divided into two or more parts by proclamation of the Lieutenant-Governor, on recommendation of the Board of Trustees of the district, after he shall have been satisfied that a vote has been taken on the question in the manner provided in the case of a school district, authorizing the issuing of debentures, and that the majority of duly qualified votes cast have been in favor of such division being made.

39. Any two or more public or separate school districts may be united in one public or separate school district by proclamation of the Lieutenant-Governor in the same manner as that provided for the division of public school districts, and all the real and personal property held by all the districts shall thereby become the property of the united district.

40. The owner of any land situated outside the limits of any school district or included in any school district, may have it included in an adjoining or adjacent school district, whether public or separate (but of the faith, either Protestant or Roman Catholic, to which the petitioner belongs) on petitioning the trustees of such district to that effect; and such petition shall be accompanied by the affidavit of the petitioner that he is the owner of such land.

41. The trustees, on receiving a petition to the effect and in the form and substance mentioned in the next preceding section of this Ordinance, may annex the land of the petitioner to the district of which they

are trustees, and shall notify the Lieutenant-Governor that such land has been annexed to their school district, and shall announce the additions or changes that have been made, stating in particular the ownership and assessed value of the property affected, by notice published in five public and widely separated places in the school district or districts affected, and they shall also notify in writing the petitioner and the board or boards of trustees of the district or districts that have been affected by the changes that have been made.

42. Parties petitioning for the organization of separate school districts or for any addition or change in the area or limits of any school district or districts, as hereinbefore provided, shall accompany such petition with such sum of money as may be deemed sufficient by the Lieutenant-Governor to pay the necessary expenses connected with the changes petitioned for before they can require their petition to be considered.

ANNUAL ELECTION OF TRUSTEES.

43. A meeting of the ratepayers of the school district shall be called by the secretary of the school district by notices posted in five conspicuous and widely separated places on the second Monday of October, unless the same be a statutory holiday, and then on the ensuing day, for the purpose of nominating the trustees to serve as such for the year commencing the first day of November following.

44. A majority of the ratepayers present shall elect a chairman, and the proceedings shall be carried on as provided in sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, except as to the election of a secretary; the secretary of the school district shall act as the secretary of this meeting. The newly elected trustees shall proceed as is provided in section 25.

45. The first meeting of the newly elected trustees shall be held on the third Monday in November in each year, unless the same be a statutory holiday, when it shall be held on the day next ensuing and the trustees of the previous year shall be deemed to hold office up to the first meeting of the new trustees, notwithstanding that the school year shall expire on the 31st of October in each year.

46. A correct copy of the proceedings of the first, and of every annual and of every special school district meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the district Inspector of School, who shall report upon the same to the President of the Board of Education.

47. At the annual meeting for the election of School Trustees, the ratepayers then present shall elect an auditor who shall audit the accounts of the District and report the result thereof to the annual meeting of ratepayers.

BOARD OF SCHOOL TRUSTEES.

48. The ratepayers of every school district that may be established under this Ordinance, and their successors, shall be a body corporate and politic under the name and number mentioned in the proclamation of its erection. It shall be represented by a board of three trustees elected as herein provided, and bearing the names of the trustees of the (Protestant or Catholic) public or separate school district of (here insert the name and number.) Such trustees on behalf of the corporation, shall have power to:—

- (1) Acquire real or personal property by purchase, donation, devise, or otherwise, and hold and enjoy, or alienate the same, for school purposes;
- (2) Enter into contracts, transact business, bind and oblige themselves and others within the limit of their functions;
- (3) Sue and be sued in any cause or before any court of justice;
- (4) Levy such taxation on the real and personal property within the district, in the manner hereinafter provided, as may be necessary for the discharge of the obligations entered into by the corporation of said school district for school purposes.

49. It shall be the duty of the new trustees at their first meeting to proceed to the election of a chairman, which shall be done by those present; the secretary of such school district shall preside at such meeting until a chairman is elected.

50. The elected chairman shall appoint one of the remaining trustees to act at any time when the chairman fails to attend to his duties as such.

51. In case the acting chairman fails to act, then the remaining trustee shall be acting chairman until the acting chairman resumes his duties.

52. A majority of the board of trustees shall constitute a quorum at all meetings; provided that in case the number of trustees is reduced to one, that one shall be held to be a quorum until other members are elected.

53. The chairman shall:—

- (1) Call all meetings of the board and public school meetings and preside at such meetings;
- (2) Have general supervision of the affairs of the district;
- (3) Certify all accounts against the district before such accounts be paid by the treasurer.

- (4) Act as returning officer, or appoint some other person to act in such, at all elections that may be held or votes that may be taken during the period of his chairmanship.
54. The board of trustees at its first meeting in each year shall appoint a secretary, whose duty it shall be to:—
- (1) Keep a minute of all the meetings of the board;
 - (2) Answer all communications on school matters in such manner as he may be directed by the board;
 - (3) Examine the records and registers of the school kept by the teacher and see that they are correct;
 - (4) Forward to the Lieutenant-Governor, from time to time, the reports, provided for in this Ordinance, and give such other information in regard to the school district as may be desired from time to time by the Lieutenant-Governor, the board of trustees, or school inspector;
 - (5) Have charge of and keep on record all the books, papers, accounts, assessment rolls and other matters, committed to his charge by the board of trustees during his term of office, and deliver the same to the chairman of the board on ceasing to hold office.
55. Should the secretary at any time be unable to attend to his duties the chairman shall appoint some member of the board to act as secretary until the secretary resumes his duties or until the board sees fit to appoint another secretary.
56. By motion of the board one of the members thereof may, with his consent, be appointed treasurer of the district for the whole or any part of the term for which he was elected to serve, but such treasurer shall receive no remuneration for his services, and the members of the board shall individually and collectively be held responsible, by virtue of their office, for the safe keeping of all sums of money placed in such treasurer's hands.
57. Should it be found inexpedient to appoint a member of the board as treasurer, then the board shall appoint a responsible resident of the district to be treasurer or secretary-treasurer, during the pleasure of the board, at such rate of remuneration as may be agreed upon. Every treasurer shall, before entering upon his duties as such, give security to the school trustees by a bond signed and acknowledged before a magistrate, and such security shall be given by at least two solvent sureties jointly and severally to the satisfaction of the Board of Trustees and to the amount of any moneys for which the treasurer may at times be re-

responsible, whether arising from the school fund or from any particular contribution or donation paid into his hands for the support or benefit of the school, and such security shall be renewed at the beginning of each year, or renewed at other times or changed whenever renewal or change is required by the Board of Trustees.

58. It shall be the duty of the treasurer to collect, receive and account for all school moneys, whether derived from the Government or otherwise, for the purpose of education within the district of which he is treasurer, and to distribute such moneys in the manner directed by the Board of Trustees, and he shall give and take receipts for all moneys as received and paid out by him, which he shall, when called upon, produce before the Board of School Trustees as also all moneys or accounts in his charge, and shall hand over the same to the Board of Trustees on his ceasing to hold office.

59. Should the treasurer be at any time unable to attend to his duties the secretary, if the treasurer be a member of the board, shall attend to such duties in his place, but if the treasurer should not be a member of the board, then the board shall appoint some person to attend to his duties under the necessary bonds, and in the meantime the Board of Trustees shall be held to be the treasurer of the district.

60. The secretary of every Board of Trustees shall forward to the Lieutenant-Governor on the 30th day of May in each year a report showing the certificate of the teachers employed, the number of teachers employed and the total number of children attending the school, and stating whether the school is opened for one or both of the school terms.

61. It shall be of the duties and within the powers of any Board of Trustees of any school district to:

- (1) Engage a qualified school teacher or teachers on such terms as the board may deem expedient;
- (2) Procure a suitable building or buildings by purchase, lease or otherwise, for use as a school room, in a central location and of as satisfactory a character as possible with a play-ground attached;
- (3) Make such assessments on real and personal property of the district and levy such taxes as may be necessary to defray the expenses authorized to be incurred in the preceeding sub-sections, and all necessary expenses incurred in the election of trustees, keeping the accounts or transacting the business of the district, and in furnishing the school-room with school material, furniture and firing;
- (4) Inspect the school, see that good order is kept and proper instruction is given and dismiss the teacher or any of the pupils for

misconduct or immorality, or the teacher for incapacity;

- (5) See that true accounts both of the school and district are kept, and that the affairs of the district generally are conducted in the manner provided in this Ordinance and with a due regard to efficiency and economy;
- (6) Select all the books, maps and globes to be used in the schools under their control from the list of those authorized by the Board of Education;
- (7) Provide, free of cost, out of the funds of the district, books and slates for the use of the children resident within the district and attending school, whose parents are unable, through poverty, to procure the necessary books and slates for them, the right to such books and slates to rest in the school district;
- (8) Provide, when deemed expedient, a suitable library for the school district, free of charge, making such regulations as to lending and the prevention of loss or damage to the books of such library, as they may think fit;

62. A trustee may resign at any time by notifying the chairman of the board, or if he be the only remaining member of the board, the Lieutenant-Governor to that effect, in writing.

63. Any trustee who shall—

- (1) Be absent from the district more than three months at a time;
- (2) Fail to attend three consecutive meetings of the board, the same having been duly called by written notice left at his house or place of business;
- (3) Have become insolvent or convicted of any felony, may be declared disqualified on motion of the board and his seat as trustee declared vacant and an election to fill the vacancy shall be held as hereinbefore provided.

64. If the Lieutenant-Governor shall at any time receive the resignation of the sole remaining member of a board of trustees of any school district, or a certificate of a justice of the peace or of the school Inspector for the school district mentioned, that the board of trustees has ceased to exist, he shall order an election of trustees, fixing the date thereof and appointing a returning officer, who shall conduct the election as is provided in sections 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26; and the trustees elected shall proceed as provided in section 25, or shall hold the matter over for the consideration of the Board of Education,

65. Elections shall be held to fill vacancies that may occur in the board of trustees from time to time, from death, resignation or disqualification, and such elections shall take place within one month from the time of the occurrence of such vacancy.

66. The person thereupon elected to fill the vacancy so created, shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled.

67. The new election shall be conducted in the same manner as is provided in sections 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26.

SELECTING SCHOOL SITES.

68. No steps shall be taken by the trustees of any school district, for procuring a school site on which to erect a school house without calling a special meeting of the resident electors or ratepayers, as the case may be, of that school district by notices published in five conspicuous and widely separated places within the district, at least ten days before the date of the meeting, to consider the matter, and no change in the site of a school house shall be made without the consent of the majority of such special meeting.

TEACHER.

69. As soon as possible after the first election of trustees in any school district, and at such other times as may be expedient, the trustees shall engage a qualified person as school teacher for such term, not being more than one year, and at such salary as may be agreed upon.

70. It shall be the duty of the teachers to:—

- (1) Preside over and maintain good order in the school;
- (2) Teach from such and only such books as may be ordered or permitted by the trustees, as provided in this Ordinance;
- (3) Hold a public examination of the classes in the school at least once in each term;
- (4) Admit trustees, school inspectors, parents of children attending, or ratepayers of the district to the school room at any time;
- (5) Report to the trustees, from time to time, on the necessities of the school and the behaviour of the children attending it;
- (6) Punish children for misbehaviour, inattendance or disobedience, in such manner as the trustees may permit or direct;
- (7) Keep a true register of the school, according to the forms supplied by the Board of Education;

- (8) To keep the school registers with care and to call the roll and mark the attendance and absence of the pupils previously to beginning the regular school work each morning and afternoon;
- (9) To keep a time table showing the classification of the pupils, the subjects taught in each class, the hour of the day, and the day of the week, when each subject is taught and the intervals allowed for recess during school hours;
- (10) To keep a "Visitor's Book" provided by the Board of Education and to enter therein the visits made to the school, and to allow any visitor who so chooses to make therein any remarks suggested by the visit;
- (11) To see that the school room is kept clean and well ventilated and to observe that the closets belonging to the premises are kept in a cleanly condition;
- (12) To report to the secretary of the school district any needful repairs to the school building or furniture;
- (13) To keep an inventory of the school materials and furniture and to report any deficiency in the stock from time to time;
- (14) To observe that there is no scarcity of fuel for school purposes during the winter months, and to exercise due economy in the use of the same;
- (15) To render assistance to the secretary of the school district in making the required reports and returns to the Lieutenant-Governor or the Board of Education or the Inspector of schools;
- (16) To have the custody of the school premises and to deliver up the key when required to do so by the school trustees;
- (17) To report to the secretary of the school district immediately it comes to his knowledge the presence of any infectious or contagious disease amongst the pupils and to faithfully carry out the wishes of the trustees in respect to it.

71. If a teacher be engaged for a less term than three months, or if the provisions of this Ordinance are not complied with by any school district, then the district employing such teacher, or otherwise not complying with the terms of this Ordinance, may be deprived of their right to receive aid as provided in this Ordinance.

CONDUCT OF SCHOOL.

72. School shall be held between nine o'clock and twelve o'clock in

the forenoon, and half past one o'clock and four o'clock in the afternoon of every day not including Saturdays, Sundays and statutory holidays, but the school trustees may shorten the school hours in the winter time.

73. The school year shall be divided into two terms, a winter term and a summer term :

(1) The Winter Term shall begin on the first day of November and end on the thirty-first day of March in each year,

(2) The Summer Term shall begin on the first day of April and end on the thirty-first day of October in each year ;

74. A recess of fifteen minutes in the forenoon and in the afternoon may be allowed the children attending school, at the pleasure of the Board of Trustees.

75. There shall be two weeks holiday, during the Summer Term, in either the month of August or the month of September, at the discretion of the trustees.

76. There shall be two weeks holidays during the Winter Term, viz., the two weeks following the twenty-third day of December in each year.

77. It shall be at the discretion of the trustees to permit any other holidays.

78. No religious instruction, such as Bible reading, or reciting, or reading or reciting prayers, or asking questions or giving answers from any catechism, shall be permitted in any public school in the North-West Territories from the opening of such school at nine o'clock in the forenoon, until the hour of three o'clock in the afternoon, after which time any such instruction, permitted or desired by the trustees of the district, may be given.

79. Any child attending any school whose parent or parents or guardian is or are of the religious faith different from that expressed in the name of such school district, shall have the privilege of leaving the school room at the hour of three o'clock in the afternoon, or of remaining without taking part in any religious instruction that may be given, if the parents or guardian so desire.

80. It shall be unlawful for any teacher or school trustee to, in any way, attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and such action on the part of any school trustee, inspector or teacher, shall be held to be a disqualification for and voidance of the office held by him or her.

81. No fee shall be charged by any school district on account of the attendance of any children, whose parents or guardians are ratepayers of such district, at the school thereof; but a rate not exceeding five cents per day, payable in advance, may be charged for any children resident outside the limits of such district, whose parents or guardians are not ratepayers of such district.

INSPECTOR OF SCHOOLS.

82. It shall be the duty of the inspector to—

- (1) Visit at least once a year, the schools under his charge and examine the pupils in the different classes as to proficiency in their studies;
- (2) At the desire of the trustees of any district, examine a teacher possessing no certificate and employed or proposed to be employed by such trustee as to his proficiency in the subjects he is expected to teach and as to his methods of teaching;
- (3) Report from time to time to the Board of Education as to the efficiency, methods and usefulness of the schools under his charge and also when deemed advisable to the trustees of the different districts;
- (4) To inspect another school district at the pleasure of the Board of Education;
- (5) To observe that no books are used in any school but those selected from the list of books recommended by the Board of Education;
- (6) To assist at the Examination of teachers if requested by the Board of Education;
- (7) To make a full report of his inspection of every school to the Board of Education not later than the month of September in each year, and to particularize in each report, name of school, name of teacher, his certificate, the grant he is entitled to, number of school children on the register, number present on day of inspection, remarks on proficiency of pupils, special remarks, if any, state of school buildings and premises, state of school apparatus, general tone of school;
- (8) Keep a diary of his inspection tour and expenses;
- (9) Inspect and endorse, if practicable, all reports which are sent through him to the Board of Education;

- (10) Grant provisional certificates to competent applicants recommended by trustees of school districts and require such applications to be in the teacher's own hand-writing;
- (11) Upon a visit to a school to inspect the school register and to write his name and the date of his visit upon the line immediately under the last name on the roll;
- (12) To observe if the school register is systematically kept;
- (13) To inspect the school buildings and premises and to suggest to the trustees any alterations he may deem necessary for the comfort, accommodation and health of the scholars;
- (14) To inspect the school time table and to endorse his approval upon it if satisfactory;
- (15) To make the time table the basis of his examination of the classes;
- (16) To inspect the visitors' book and to write therein a general report of the condition in which he found the school and its teacher;
- (17) If the teacher holds a provisional certificate, to endorse it in his favor or otherwise;

83. The secretary of every school district shall within one month of the date of the opening of such school, notify the inspector of such district of the opening of such school, and the qualification of the teacher employed; enclosing the teacher's certificate or a certified copy of the same in a registered letter addressed to the inspector of schools for such district.

84. On receipt of such notification the inspector of schools shall, if he deem the report satisfactory endorse the same and forward it to the Board of Education.

AID TO SCHOOLS.

85. Every school district organized under this ordinance shall receive aid from the school fund, as follows:

(1) Grants on account of Teachers' certificates:

- (a) An annual grant of \$250 to every school employing a teacher, male or female, holding a provisional certificate from the Inspector of schools for that district or a third class certificate from a Normal School or the Board of Education;

(b) An annual grant of \$300 to every school district employing a teacher, male or female, holding a second class certificate from a Normal School or from the Board of Education ;

(c) An annual grant of \$350 to every school district employing a teacher, male or female, holding a first class certificate from a Normal School or from the Board of Education ;

(2) Grants on account of attendance :

(a) An annual grant of \$2.00 per child, per annum, to every school whose average attendance is at least eight, for every child who has attended school one hundred school days, where the school is only open during one term ;

(b.) An annual grant of \$2.50 per child per annum, to every school whose average attendance is at least eight, for every child who has attended school one hundred and sixty school days, where the school is open during both the Winter and Summer terms ;

(3). Grant on account of Inspector's report of school :

(a.) An annual grant of an amount not exceeding the total amount of the capitation grant for the attendance of children to every school district of whose school the Inspector of schools shall report favorably ;

(4.) Grants on account of additional teachers ;

(a.) To every school district where the average daily attendance exceeds forty, a sum of one hundred and fifty dollars for an assistant teacher ;

(b.) To every school district where more than one assistant teacher is employed, a grant of one hundred dollars for every assistant teacher employed after the first, where the average daily attendance shall be at least twenty for each teacher, the principal teacher included ;

(5.) Grants to advanced classes :

(a.) To every school district employing a teacher holding a first class certificate, a grant will be given to one group of pupils examined in the same subjects not being more than two subjects, at the rate of \$1 per child, per subject. The examination to be in writing and conducted in the inspector's presence ; the examination papers to be provided by the Board of Education.

86. The Lieutenant-Governor shall pay the grant on account of teacher's certificate to the treasurer of the district, quarterly immediately after the Thirty-first March, Thirtieth June, Thirtieth September and Thirty-first December in each year; and the grants on account of attendance and Inspectors' reports shall be paid to the treasurer of the school district, annually, as soon as practicable after the Thirty-first of October in each year.

87. When the school is only open for one term, the school districts is entitled to a proportion of the grant for the teachers' certificates, calculated according to the months during which the school was open.

ASSESSMENT.

88. Where a school district is situated within a Municipality, the trustees shall, as soon as may be after the final revision of the assessment roll of the Municipality make a demand on the Council of such Municipality for the sum required for school purposes for the then current year; but such sum shall not exceed an amount equal to ten mills on the dollar, according to the last revised assessment roll, on the property liable to assessment in such school district for ordinary school purposes, with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and becoming due.

89. When property owned by a Protestant is occupied by a Roman Catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on such rental or leased property shall in all cases, whether or not the same has been or is stipulated in any deed contract or lease whatever, be paid to the trustees of the district of the religious faith to which belongs the owner of the property so leased or rented and to no other.

90. Whatever property is held jointly, as tenants, or tenants in common, by two or more persons, the holders of such property being Protestants and Roman Catholics, they shall be deemed and held accountable to the Board or Boards of Trustees for an amount of taxes in proportion to their interest in the premises, tenancy or partnership, respectively, and such taxes shall be paid to the school of the denomination to which they respectively belong.

91. If a school district be situated partly within two or more Municipal Corporations, then the Board of Trustees shall make a demand upon each of such corporations, for that proportion of the amount of money required by such school district, which may justly be demanded by such school district, according to the amount of property included within the limits of the district and situated within the limits of such Municipality.

- (1.) In case there is a difficulty in arriving at a proper assessment of the different portions of the school district, the trustees may levy an assessment as provided in the subsequent sections of this Ordinance;

92. If a school district or any portion thereof be not situated within the limits of any Municipal Corporation, then the trustees of such district shall themselves or by means of an assessor, make an assessment of the real and personal property within the district or within the portions of such districts and inscribe the same upon an assessment roll in the form as hereinafter provided.

93. The trustees of any school district, or an assessor whom they shall appoint, as soon as may be in each year, shall prepare an assessment roll for the district, in which shall be set down according to the best information to be had, a list of all the taxable property in the district, with the names of the occupants and owners, if such can be procured, and such list shall contain in one line, but in different columns, the following information:

- (1.) Name of occupant or person in possession, (*If there be no occupant, a statement to that effect*);

(a) Religion of occupant;

(b) Sex;

(c) Age;

(d) Occupation;

(e) Place of residence;

- (2.) Name of owner, if it can be ascertained, (*If owner's name be unknown, such particulars concerning ownership of property as may be known*);

(a) Religion of owner;

(b) Sex;

(c) Age;

(d) Occupation;

(e) Place of residence;

- (3.) Description of real property in occupation of each person:

- (a) Part and number of section, township, range, and meridian, or number and description of lot in special survey or number of lot, house or other particulars of each parcel;
 - (b) Improvements in cultivated land (*giving area*), and buildings (*giving size*), on each parcel;
 - (c) Area in acres or feet of each parcel;
 - (d) Value of each parcel;
 - (e) Total value of real property;
- (4.) Description of taxable personal property:
- (a) Taxable personal property, other than income, with particulars;
 - b) Value of such personal property;
 - (c) Taxable income;
 - (d) Total value of personal property, including taxable income;
- (5) Total value of taxable real, and personal property.

94. "Land," "real property" and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land and all machinery or other things so fixed to any building as to form, in law, part of the reality, and all trees or underwood growing upon the land, and all mines, minerals, quarries, fossils in and under the same, except mines belonging to Her Majesty.

- (2) "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts, at their actual value, income and all other property, except land and real estate and real property, as above defined, and except property herein expressly exempted;
- (3) "Property" shall include both real and personal property, as above defined;
- (4) "Ranche" shall mean land held under a grazing lease from the Dominion Government.

95. All real and personal property situated within the limits of any school district, or income derived by any person resident within the limits of such district, in the North-West Territories, and wherever any

portion of a ranche and the headquarters of such ranche are within the limits of any school district, the whole of the personal property belonging to the lessee of such ranche, on the same, shall be liable to taxation subject to the following exemptions:—

- (1) All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories;
- (2) All property held by or in trust for the use of any tribe of Indians or the property of the Indian Department;
- (3) Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed in respect thereof, but the property itself shall not be liable;
- (4) The grounds and buildings of all public schools, universities, collegiate institutes or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes,
- (5) All property belonging to the Municipality when held and occupied or in the use of the corporation and the personal property belonging to the same ;
- (6) Jails and court houses and the necessary land attached thereto
- (7) Churches and the land on which they stand, not exceeding one half acre, in towns and cities, together with the buildings thereon used for the purposes of the said church or occupied by the incumbent or priest, and, in rural Municipalities one hundred and sixty acres of land in addition to the above, if the same is actually used for the support and maintenance of any church or mission, orphanages, poor-houses, houses of industry, asylums, being public institutions, and the real and personal property connected with the same ;
- (8) The property of every public library ;
- (9) The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation ;
- (10) So much of the personal property of any person as is invested in the debentures or bonds of any Municipality within the Territories ;
- (11) Personal property to the extent of three hundred dollars ;

(12) Grain *in transitu*, household effects of every kind, books and wearing apparel ;

(13) The increase in the value of the land by reason of the cultivation thereof together with the growing crops ;

96. A person occupying property or deriving income not liable to taxation, may compel the assessor, on written demand, to assess him for such property or income in order that he may thereby be qualified for voting or holding office.

97. Land and personal property shall be assessed against the person in occupation or possession thereof, unless when in the case of a non-resident owner, such owner shall in writing require the assessor to assess him alone for such property. But the person assessed shall in all cases, unless there is a stated agreement to the contrary, have summary recourse against such owner for the amount of taxes paid ;

(1) Provided always that, if the occupants be of the religious faith different from that expressed in the name of the school district being either Protestant or Roman Catholic, he, upon giving the assessor notice in writing to the effect that he desires to pay his school taxes to any certain district of the faith, either Protestant or Catholic, to which he claims to belong, and by truly informing the assessor as to who is the owner, and where he may be found, he shall only be assessed for that part of the property, either real or personal, of which he is owner.

98. No ratepayer shall be entered for assessment more than once on the assessment roll, and the taxes may be recovered either from the owner or occupant.

99. Where more persons than one are joint tenants or tenants in common, or holders of any property, they, or any number of them, shall be assessed for the whole of such property, subject always to the provisions of section 90 of this Ordinance, and such assessment may be levied upon any one or more of them, saving always the recourse of such persons against the remaining holders, tenants or owners.

100. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

101. Land held in actual use and not for purposes of sale, shall be appraised at the value which it is reasonably worth for the purposes for which it is in use.

102. In assessing vacant ground or ground used as a farm-garden or nursery and not in immediate demand for building purposes in cities or

towns, the value of such vacant ground shall be that at which sales of it can be freely made, and where no sales of it can be reasonably expected during the current year, the assessor shall value it as if held for farming or gardening purposes, with such percentage added as the situation of the land may reasonably call for, and such vacant land, whether surveyed into lots or not, if unsold as such, may be entered on the assessment roll as so much of the original lots or sections as the case may be, and where ground is not held for purposes of sale, but *bona fide*, inclosed and used in connection with a residence or building, as a paddock, garden, park or lawn, it shall be assessed at a valuation which at six per centum would yield a sum equal to the annual rental which in the judgment of the assessor it is reasonably worth, reference being always had to its position and local advantages.

103. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed, with such other information as to owner, occupant, location and value, or other necessary particulars as may be demanded, and if he fails to do so or knowingly makes any false statements, such person shall, upon complaint of the assessor and upon conviction before a justice of the peace having jurisdiction within the district, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a justice of the peace.

104. The assessment roll shall be completed as soon after the first of February in each year as shall be deemed expedient by the trustees, and the assessor shall, before handing the roll over to the secretary of the Board of Trustees, make affidavit (which shall be inscribed upon the roll) before a justice of the peace, that the statements contained therein are correct to the best of his knowledge and belief, after making due enquiry in each case.

COURT OF REVISION.

105. On receipt of the assessment roll by the secretary of the Board of Trustees in form as hereinbefore provided, he shall file the same, and at all convenient office hours shall keep it open to the inspection of all persons resident, or owning, or in the possession of property, or in the receipt of incomes within the district, for at least the space of two weeks and until the sitting of the court of revision.

106. As soon as the assessment roll shall have been completed and filed as hereinbefore provided, the secretary of the Board of Trustees or the assessor shall notify in writing, by post or otherwise, every person whose name appears upon such roll and whose address is known, as follows :

SIR (OR MADAM) ;—

SCHOOL DISTRICT of
day of

18

}

You are hereby notified that your name appears on the assessment roll of this School District

for the present year as the owner (*or occupant*) of the following property:—(*Then give description of property and assessed value*). The Board of Trustees for the district will sit as a court of Revision as follows:— (*Mention day, hour and place at which court shall be held*), and if you consider that you have been wrongfully assessed as above stated you will have an opportunity to make a statement of your case before the above court.

Take notice that if you do not appear before this court of Revision you will not be entitled to appeal from its decision to the District Court.

(Signed).....
Secretary Board of Trustees.

(or).....
Assessor.

To.....

107. The Board of Trustees shall cause to be posted up in at least five conspicuous places within the district, a notice that the assessment roll of the district for the current year has been made up, and where it may be examined, also the time and place at which the court of revision will be held, with a notice that such parties as do not appear before the court of revision will not be entitled to appeal from the decision of the court of revision to the district court.

108. The Board of Trustees of any school district shall sit as a court of revision not less than fifteen or more than thirty days from the posting of the last of the notices hereinbefore mentioned, and shall hear all complaints that may be entered up to the end of the day so appointed, and may adjourn from day to day until such complaints have been disposed of, but complaints entered after the day mentioned may or may not be recognized by such court of revision.

109. Such court of revision shall have power to take evidence under oath, if necessary, either on behalf of the appellant or the school district and shall alter or amend the assessment roll as to them shall seem to be in accordance with what is just and right.

110. If a person be dissatisfied with the decision of the court of revision he may appeal therefrom by entering a notice to that effect with the clerk of the district court in which the school district is situated, and by depositing with the clerk of the court the costs of such appeal. Such notice of appeal must be entered within fourteen days after the close of the court of revision for the school district. The clerk shall forthwith issue an ordinary summons returnable at the then next sitting of such court, making the trustees defendants and cause a copy with the notice of appeal attached to be served on the secretary of the school board.

111. The tenant, occupant or owner of any real or personal property situated within the limits of any organized school district, may elect to pay the amount of taxes for which he is assessed on any property that he may have, to another school district, provided such school district is of the religious faith, either Protestant or Catholic, different from the one in which the property of which he is the occupant or possessor, is situated, and of the religious faith to

which such person claims to belong, at any time after the assessment is made and before the last sitting of the court of revision of the district ; and he shall notify the assessor of the district in which he is assessed to that effect, and the assessor shall thereupon note in the assessment roll the fact of such notice having been received.

RATE OF ASSESSMENT.

112. The trustees of the school district shall make out an estimate of the probable expenditure of the district for the current year, and shall strike such rate of assessment on the assessed value of the taxable property within the district, as shall be sufficient to meet such probable expenditure, making due allowance for all charges and probable loss in collection ;

(1) Such rate shall not exceed ten mills in each dollar of property liable to taxation for ordinary school purposes, with such additional rate per dollar as may be necessary to meet any debenture indebtedness that may have been incurred by such school district on the terms upon which it was incurred.

113. Such rate shall not be struck until after the sitting of the court of revision, but as soon thereafter as may be, and in case of any appeals having been made to the district court, the rate shall not be struck until after the sittings of the court to which such cases were appealed, provided that a sitting of the said court be held within sixty days after the close of the court of revision.

COLLECTION OF RATES.

114. The Board of Trustees shall cause to be made out a collector's roll for the school district, on which shall be set down the name of every person assessed, the assessed value of his real and personal property and the amount with which such person is chargeable, according to the rate of taxation struck in respect of sums ordered to be levied by the Board of trustees, with any other particulars that may be necessary, and such roll shall be placed in the hands of the treasurer for collection.

115. As soon as the treasurer shall have received the collector's roll he shall remit or cause to be remitted by mail or otherwise to each person whose name appears upon it as assessed for taxes a notice in the following form.

School District of _____ day of _____ 188
SIR OR (MADAM).—You are hereby notified that you are assessed on the assessment roll of this district for the following properties : *(here give description and assessed value)* the taxes on which, at the rate of _____ on the dollar, amounts to _____
If the above amount is not paid to the undersigned within thirty days from the date of this notice, action to recover, as provided by law, will be taken.
.....
Treasurer.

To

116. The treasurer shall give receipts on behalf of the school district for all taxes paid to him and shall enter the fact of such payment with the date on the collector's roll.

117. As soon as judgment has been given in the case of an assessment appealed to the district court, the trustees shall alter, amend or erase from the assessment and collector's rolls in accordance with such decision.

118. The treasurer shall notify the board of trustees from time to time the names of persons who fail to pay the taxes assessed against them and the board of trustees shall take, or authorize to be taken, such action for the collection of such taxes as is hereinafter provided in this Ordinance.

119. In case any person fails to pay the taxes assessed against him during the thirty days of notice provided in section 115 of this Ordinance, the treasurer may, by himself or his agent, levy the same with costs, by distress of the goods and chattels of the person against whom the same is assessed, situated within the school district, or of any goods or chattels found upon the premises assessed, the property of or in the possession of any other occupant of the premises, and the costs chargeable shall be those payable to deputy sheriffs.

120. The treasurer shall by advertisement, posted up in at least three public places in the school district, wherein the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale and of the name of the person in payment of whose taxes the property is to be sold, and, at the time named in the notice, the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed with all lawful costs up to the close of sale.

121. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be returned to the person in whose possession the property was when the distress was made.

(1) If any such claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant;

(2) If the claim is contested, such surplus money shall be paid over by the treasurer of the district to the clerk of the district court within whose jurisdiction such school district is situated, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

122. If the taxes payable by any person cannot be recovered in any special manner provided by this Ordinance, they may be recovered, with interest and costs, as a debt due to the school district, in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by such person, certified as a true copy by the secretary of the school district, shall be *prima facie* evidence of the debt.

123. An abstract from the assessment and collector's rolls of the district to which such person as is mentioned in section 111 of this Ordinance, has elected to pay his assessment, showing that he has been assessed in that district for the property, the assessment of which he desired to have made therein, and has paid the taxes assessed thereon, according to the rate levied by that district for the year, accompanied by the affidavit in the regular form of the assessor and collector of such district, that the before mentioned abstract is correct, shall be held to be evidence that he has paid his taxes to that district, and he shall then not be liable for taxes to the district within the limits of which the land or property of which he is the owner or occupant is situated, but if the before mentioned abstracts be not produced with the affidavits required within thirty days from the first demand made by the treasurer of the district within which the land occupied by him lies, he shall pay the taxes assessed against him on the assessment and collector's rolls of that district to the collector thereof, and on producing proof of such payment in the manner provided in the preceding portion of this section, he shall be relieved from paying the taxes assessed against him by the district to which he elected to pay his taxes in regard to the personal property hereinbefore mentioned, and such taxes shall on collection be paid over less costs of collection, to the treasurer of the district to which such person desired to pay his taxes.

124. In no case shall a Roman Catholic be compelled to pay taxes to a Protestant school or a Protestant to a Roman Catholic school.

125. The treasurer shall on or before the first day of October in each year return the collector's roll to the secretary of the Board of Trustees, with an account of all moneys received by him, accompanied by an affidavit, made before a justice of the peace, that the collection and other proceedings have been taken in accordance with the terms of this Ordinance and that all the returns contained therein are correct.

126. The treasurer shall at the same time make a return, certified by affidavit as provided in the next preceding section, of all property upon which the taxes, or any portion thereof, remain unpaid, and the reason of the failure of such payment.

- (1) A copy of such return shall be kept on file by the secretary of the school district and shall be open to inspection of all ratepayers of the district or their agents.

27. The taxes accrued on any land or property shall be a special lien such land or property, having preference over any claim, lien, privilege or incumbrance of any party, except the Crown, and shall not require registration to preserve it.

128. Such accrued taxes shall be entered upon the assessment roll of the district against such property from year to year and shall be held to be payable, if not otherwise collected, at the same time and in the same manner as the ordinary taxes of the year.

129. Whenever the treasurer is satisfied, or is notified by the Board of Trustees, that there is sufficient distress upon any real property within the district which is in arrears for taxes, he shall proceed to levy the amount due in the same manner and under the same provisions as are contained in section 119 of this Ordinance.

130. Whenever a portion of the tax on any land has been due for and in the third year or for more than three years preceding the current year, the Board of Trustees may prepare a list, which shall be in duplicate, of all the lands liable to be sold for arrears of taxes under this Ordinance, with the amount of arrears against each lot, parcel or subdivision, and all other lawful charges standing against such land on account of such arrears of taxes, and the chairman shall certify to the correctness of such lists. One of the said lists shall be deposited with the clerk of the district court having jurisdiction within the school district, and the other placed in the hands of the treasurer, with a warrant thereto annexed, commanding him to levy at a certain date upon the land for the arrears due thereon, with the costs.

131. The proceedings for the sale of land for school taxes shall be the same, *mutatis mutandis*, as those provided in the Municipal Ordinance of 1885.

INCURRING DEBT.

132. Should it appear desirable to the Board of trustees of any school district that a sum of money should be borrowed upon the security of the district for the erection, purchase or improvement of a school building or buildings for the district, or for the purchase or improvement of sites for such school building or buildings, or for the purchase of suitable play grounds for the children attending the school or schools of the district, they shall, before proceeding to borrow such sum of money, receive the sanction of a majority of the ratepayers of the district, by taking a vote thereon as hereinafter provided.

133. The Board of Trustees shall give notice of the polling by notices displayed in at least ten conspicuous places throughout the district, at least twenty days before the polling, and by advertisement for the same length of time, once each week, in the newspaper published nearest the school district.

134. The notice shall set forth :—

- (1) The sum of money which it is desired to borrow ;
- (2) The term for which it is to be borrowed ;
- (3) The rate of interest to be paid ;
- (4) The purpose or purposes for which the money is to be expended, and the amount to be expended upon each ;
- (5) The place, day and hours of voting, the hours in all cases being from ten o'clock a. m. until four o'clock p. m. ;
- (6) The qualification of voters, which shall be the same as provided in sub-section (5) of section 137 of this Ordinance ;

135. A certified copy of the notice of polling shall be furnished to the Lieutenant-Governor by the chairman of the board.

136. The chairman of the Board of trustees shall be returning officer, and shall act as hereinafter provided.

137. The returning officer shall :—

- (1) Provide himself with a book, suitably ruled and headed, for the purpose of recording the vote cast, in which shall appear, in separate columns, but in one line, the name and sex of each voter, the description of the property voted upon, remarks, whether voter sworn or refused to be sworn, and the vote cast, whether "yea" or "nay" to the purpose specified in the notice of voting ;
- (2) Keep posted in a conspicuous place at the place of polling, a copy of the notice of voting ;
- (3) Appear at the place on the day and at the hour mentioned in the notice of voting, and continue there during the hours mentioned in such notice ;
- (4) Question, either personally or by an interpreter in the voter's own language, if necessary, every person presenting him or herself to vote, as to name and location, or description of property, and record the answers given, in the poll book ;
- (5) If required by any person present or of his own accord, if deemed advisable, administer the following oath, which shall express the qualification of voters :

I do solemnly swear that I am a *bona fide* ratepayer of (give name of district in full) school district No. ; that I have paid the school taxes assessed against

me on the last revised assessment roll of the district (or of the municipality for the district) ; that I am of the full age of twenty-one years; that I am not an alien or unenfranchised Indian ; that I have not voted before at this election, and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

- (6) If the voter is not required to be sworn or if he takes the oath when required, ask him in an audible voice in the language spoken by him (either personally or through an interpreter) whether he votes for or against the purpose expressed in the notices of voting, and record his answer in the columns headed "yea" or "nay" according to the expressed wish of such voter ;
- (7) Admit any two persons who have respectively voted "yea" or "nay" into the polling place, to act as scrutineers, and on demand, allow either or both of them to see any vote recorded in the book ;
- (8) At the hour appointed in the notice of voting, sum up the votes cast and declare the result ;
- (9.) In the case of a tie after the final recount, give a casting vote ;
- (10) Announce the day, being within seven days of the day of voting, when, and the place where, he will appear before two justices of the peace for a final recount of votes, and when all complaints against the conduct or result of the voting will be heard.

138. On appearing before the justices of the peace at the time and place appointed, the returning officer shall place in the hands of such justices the poll book used by him at the poll and shall make an affidavit before the justices, which shall be inscribed upon such book, that the election has been conducted throughout in the manner provided by this Ordinance (or with such exceptions as he shall mention) and that the returns contained therein are correct.

- (1) The justices shall then receive and record in writing any complaint that may be made under oath by any parties relative to the conduct of the voting, and shall examine into and decide such complaints by taking evidence under oath.

139. Before proceeding to the hearing of any complaint, the justices shall require the complainant to deposit with the clerk court such sum, not being less than twenty-five nor more than one hundred dollars, as may seem necessary to them to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justices.

140. The decisions of the justices shall be as follows:—

- (1) If it be found that the proceedings in taking the vote have been irregular in any essential particulars and that injustice has

thereby been done, it shall be declared of no effect, and the justices shall forthwith forward to the Lieutenant-Governor a full report to that effect;

- (2) If it be found that any vote has been cast by a person not duly qualified to vote, or on account of bribery or intimidation, it shall be struck off the poll book.

141. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book, the justices shall finally sum up the votes cast and shall forward to the Lieutenant-Governor a return showing the total number of votes taken, and the number remaining on each side after the recount.

142. If it is desired to appeal from the decision of the justices such appeal must be made under oath within thirty days from the rendering of the decision of the justices as hereinbefore provided, before the stipendiary magistrate of the judicial district within which the school district affected is situated, and the stipendiary magistrate shall thereupon investigate such appeal and shall confirm the vote, or set it aside, with costs, and appoint the time and place of holding a new election.

143. The Lieutenant-Governor, shall, in writing, empower the Board of Trustees to borrow the sum or sums of money mentioned in the notice of polling or notify the contrary to them, and shall publish the same in the Official Gazette.

144. All money borrowed under this Ordinance shall be borrowed by debenture.

- (1) The total face value of the debentures issued shall not be for a greater sum than one-tenth of the total assessed value of the real and personal property within the district, according to the last finally revised assessment roll of the district ;
- (2) Debentures shall not run for a longer term than fifteen years if the school buildings be built of brick or stone, and shall not run for a longer term than ten years if the buildings be of frame or log ;
- (3) Debentures shall be of the form following :—

School District of (*give full corporate name.*) \$.....Debenture No.....

The Trustees of (*give full corporate name*) promise to pay the bearer, at the.....
ofdollars of lawful money of Canada, in.....equal

annual instalments from the date hereof, with interest at the rate of eight per cent. per annum on the terms and in the amounts specified in the coupons attached hereto.

Signed)

Chairman (or Acting Chairman).

Trustee.

Dated this day of 188..

(Coupons.)

Coupon No.
Debenture No.

The Board of School Trustees of School District No. will
pay to bearer at the bank at on the day of
188.., the sum of dollars, being the
payment with the total interest at the rate of eight per cent. per annum, due on that day on school
debenture No.

(Signed)

Chairman (or Acting Chirman.)

Trustee School District No.

- (4) The treasurer of the school district shall keep a register giving the names of all persons who may have purchased any of the debentures of such district and the coupons thereof, with the time of purchase of such debentures, and on any sale of such debentures or coupons to other parties being reported to him by the buyer and seller of such debentures or coupons, with a request for registration, he shall register the date of such transfer.

145. The trustees of any school district having received notice from the Lieutenant-Governor, authorizing them to contract a loan as hereinbefore provided, shall issue debentures therefor in the form set forth in sub-section (3) of the next preceeding section to secure the amount of the principal and interest of such loan upon the terms specified in the notices of polling before mentioned, and said debentures and the coupons thereof shall be sufficient, when signed by two of the trustees of the district, to bind such school district, and to create a charge or lien against all school property and rates in the school district for which such loan is made.

146. All debentures shall, on redemption, be marked "cancelled" and signed by the secretary of the Board of Trustees, across the face thereof.

SCHOOL MEETINGS.

147. An annual meeting of the ratepayers of every public school district shall be called by the chairman of the Board of Trustees for the first Tuesday in november in each year, or such other day not later than the Saturday following, as may be expedient, by public notice, giving the day, place and hour of meeting, and such notice shall be posted in five conspicuous places within the district one week before the day for which the meeting was called.

148. The chairman of the Board of Trustees going out of office shall be chairman of the meeting, and the secretary of the school district shall record the minutes thereof.

149. There shall at such meeting be submitted in writing by the Board of Trustees and read to the meeting :

(1) By the secretary thereof, a statement of the teacher and signed by him, giving the following particulars :

- (a) The number of days on which school was kept open during the year succeeding the last annual meeting;
- (b) The total number of children attending school during that period, specifying the number of males and females respectively ;
- (c) The religious faith professed by the children, or their parents on behalf of the children ;
- (d) The average daily attendance throughout the year ;
- (e) The number of children who have attended 100 days during the year ;
- (f) The number of children who have attended 160 days during the year ;
- (g) The branches of education taught in the school and the number of children studying each ;
- (h) The number of dismissals of scholars for misbehavior or other causes ;
- (i) The report of the inspector on the occasion of his last inspection of the school.

(2) By the secretary of the Board of Trustees and signed by him, a statement showing :

- (a) the names of the trustees for the year ;
- (b) The vacancies created in the board during the year, if any, giving the reasons therefor with an account of the elections held to fill such vacancies and the results thereof ;
- (c) The engagements entered into during the year by the board as well as an account of those entailed upon them by their predecessors.

- (d) The amount of assessable property in the district according to the last finally revised assessment roll.
 - (e) The appeals against assessment made to the district court and the result of such appeals ;
 - (f) The times of holding regular meetings of the Board of Trustees during the year, and the resolutions adopted at such meetings, with such particulars of the minutes as may be demanded by any ratepayer present ;
 - (g) Particulars of the real and personal property held by the district ;
- 3) By the treasurer of the district, and signed by him. a statement showing :
- (a) The amount of money received by the district from all sources during the year, with particulars ;
 - (b) The amounts accruing to the school district funds of the past year on account of :
 - Teacher's certificate ;
 - Capitation grants for attendance of children
 - Inspector's report of schools ;
 - Assistant teachers employed.
 - (c) The amount of money due the district from all sources with particulars ;
 - (d) The amount of money paid out by the district during the year with the particulars of payment ;
 - (e) The amount, if any, due by the district, to whom due and the terms and time of payment.
- (4) By the board of trustees, and signed by the chairman, such statement in regard to the past, present and future of the district as they may deem sufficient.

DEFERRED SCHOOL MEETINGS.

150. In case, from the want of proper notice or other cause, any first or annual school meeting, required to be held for the election of trustees was not held at the proper time, the district inspector of schools or any

two resident electors in the school district may, within twenty days after the time at which the meeting should have been held, call a school meeting, by giving six days notice, to be posted in at least three of the most public places in the school district, and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

PENALTIES.

151 Any trustee who shall:

- (1) Knowingly falsify or cause or allow to be falsified assessment rolls, voters' lists, school returns, school registers and minutes of meetings or any of the records of the district, or who shall fail to deliver up such records when called upon by the chairman or duly appointed auditor;
- (2) Misappropriate or cause to be misappropriated any of the funds or real or personal property of the district;
- (3) Enter into or have any interest in any contract with the district, for which money is to be paid or work done;

shall therefor be disqualified for fulfilling the term of office for which he was elected and shall be liable to a fine not exceeding fifty dollars.

152. Any school trustee, officer or employee of a school district who after his ceasing to hold office, detains any book, paper or thing belonging to the school district, shall thereby incur a penalty of not less than five dollars nor more than one hundred dollars for each day during which he wrongfully retains possession of such books, paper or thing after having received notice in writing from the Chairman of the Board of Trustees or from the Board of Education requiring him to deposit the same in the hands of some person mentioned in such notice.

153. If a trustee or any other officer or employee of a school district knowingly sign any false school report, school register, assessment or collector's roll, notice of meetings or elections, or receipts for money on account of the school district, or certificate or other statement as provided in this Ordinance, or shall knowingly falsify any of the above, he shall for each offence forfeit a sum not exceeding one hundred dollars.

154. Any returning officer of any school district or proposed school district, acting under the provisions of this Ordinance, who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or taking unlawful votes or altering the returns or books in any way or by any other means, shall be liable to a fine not exceeding one hundred dollars.

155. Should the trustees of any school district wilfully contract liabilities in the name of the district greater or other than as provided in this Ordinance, or appropriate any of the moneys of the school district for purposes other than are provided in this Ordinance, the school district through its proper officers, or the Board of Education, on its behalf, may recover from such trustees, jointly or severally, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount provided in this Ordinance, in addition to the total amount of any moneys that have been misappropriated by such trustees.

156. All prosecutions under the preceding sections of this Ordinance may be instituted by any ratepayer of the school district affected, or by the Board of Education in any court having jurisdiction within the limits of such school district, and if the defendant does not appear or if the complaint be proven, the stipendiary magistrate or two justices of the peace shall forthwith declare the election of such trustee or other officer void, with such fine, not exceeding one hundred dollars and costs of court, as he or they may deem sufficient, and shall notify the chairman of the board to that effect, who shall thereupon give notice of an election to fill the vacancy thus created.

157. Any school district which fails to:

- (1) Employ a duly qualified teacher for at least three months in every full year after organization;
- (2) Elect and keep in office a duly qualified board of trustees;
- (3) Pay at the time and the manner agreed upon, any debentures that may have been lawfully issued by such school district;

may, upon complaint thereof being made and the fact established before a stipendiary magistrate and a certificate thereof having been received by the Board of Education, be proclaimed by the Lieutenant-Governor to be disorganized.

158. Upon such proclamation being made the chairman of the Board of Education shall thereupon become invested with all the powers of the school trustees of such district to conduct the affairs thereof, and shall deal with, and, if necessary, wind up the affairs of such district as he may deem just and expedient.

MISCELLANEOUS.

159. The fiscal school year shall commence on the first day of November in each year, and all accounts opened during the preceeding fiscal year shall, if possible, be closed at that date.

160. All moneys accruing from fines under this Ordinance shall belong to the General Revenue Fund of the North-West Territories.

161. The Board of Education shall cause to be kept a register in which shall appear in regard to each school district:

- (1) The date at which it was erected;
- (2) The full name and number thereof;
- (3) The limits, area, situation and general description thereof, according to the plan or map of such district originally submitted to the Board of Education;
- (4) The alterations, if any, that have been made in its limits, with the date thereof;
- (5) In cases in which the affairs of the district have been dealt with directly by the Board of Education, and the circumstances attendant thereon.

162. The Board of Education shall cause to be kept a book for the registration of debentures in which shall appear:

- (1) The name and number of each school district issuing debentures;
- (2) The amount of debenture indebtedness incurred by such district from time to time;
- (3) The purposes for which the indebtedness was incurred, with particulars of the amount for each specific purpose;
- (4) The date of redemption of each debenture.

163. The Board of Education shall cause to be printed and kept on hand such forms as they may deem necessary in the carrying out of this Ordinance, and supply the same to parties interested, upon application at cost price.

164. Public notices put up in accordance with this Ordinance may be either printed or written.

165. The expense of all elections ordered by the Lieutenant-Governor shall be defrayed out of the general revenue fund of the North-West Territories and shall be made a charge against the school district in whose behalf they were incurred, to be repaid within one year from the date of the election or voting on account of which they were incurred.

166. In any school district where there are at least fifteen children of school age, within a radius of one mile and a half from the school house, the public school for such district must be open during both the summer and the winter terms.

167. In cases where the school is only open for the summer term, such term shall constitute the school year for the purposes of the attendance of the children and the report of the Inspector.

168. This Ordinance shall come into force on the 1st day of February 1886, from and after which date the School Ordinance of 1884 shall be repealed.

169. This Ordinance may be cited as "The School Ordinance of 1885."

No. 4 of 1885.

An Ordinance Respecting Schools.

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. The Lieutenant-Governor shall be ex-officio, a member and chairman of the Board of Education formed and constituted by the Lieutenant-Governor in Council, sitting as an Executive Council under the provisions of the School Ordinance of 1884.

2. All School Trustees holding office at the date of the passing of this Ordinance shall hold office until their successors are elected under any Ordinance in force in the Territories.

3. The following described areas of territory are hereby erected into School Districts under the School Ordinance of 1884 as fully and effectually as if the Proclamation of the Lieutenant-Governor had issued proclaiming such Districts, and the Lieutenant-Governor shall appoint a Returning Officer for each such district for the purpose of electing a Board of Trustees for the same, viz:

(1) The "School District of Poplar Grove Protestant Public School District No. 31 of the North-West Territories," comprising Sections 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, in Township 17, Range 9, Section 25 in Township 17, Range 10, and Sections 3, 4, 5, 6, 7, 8, 9 and 10, in Township 18, Range 9, all west of the Second Principal Meridian;

(2) "School District of Thistle Protestant Public School District, No. 32 of the North-West Territories," comprising Sections 31, 32, and 33 and the north halves of Sections 29 and 30 in Township 17, Range 8; sections 35 and 36, the east half of section 25, and the north half of section 26 in Township 17, range 9, Sections 4, 5, 6, 7, 8, 9, 16, 17 and 18 in Township 18, Range 8, and sections 1, 2, 11, 12, 13 and 14 in Township 18, Range 9, all West of the 2nd Principal Meridian;

(3) "School District of Summerberry Protestant Public School District No. 33 of the North-West Territories," comprising Sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27 and 28, the north halves of Sections 3, 4, 5, 6, and the south halves of sections 29 and 30 in Township 17, Range 8; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23 and 24, the west half of section 25 and the south half of section 26, in Township 17, Range 9, all West of the 2nd Principal Meridian;

(4) "School District of Summerhill Protestant Public School District No. 34 of the North-West Territories," comprising sections 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 in Township 16, Range 8, and the south halves of sections 2, 3, 4, 5, and 6 in Township 17, Range 8, all West of the 2nd Principal Meridian;

(5) "School District of Westfield Protestant Public School District No. 35 of the North-West Territories," comprising Township 16, Range 9, West of the 2nd Principal Meridian;

(6) "School District of Greenville Protestant Public School District No. 36 of the North-West Territories," comprising Sections 1 to 30 inclusive, in Township 15, Range 10, West of the 2nd Principal Meridian;

(7) "School District of Abbotsford Protestant Public School District No. 37 of the North-West Territories," comprising Sections 31 to 36 inclusive, in Township 15, Range 10, and Sections 1 to 24 inclusive, in Township 16, Range 10, all west of the 2nd Principal Meridian;

(8) "School District of Sunnymead Protestant Public School District No. 38 of the North-West Territories," comprising sections 18, 19, 30 and 31 and the West halves of Sections 17, 20, 29 and 32 in Township 14, Range 2, and sections 13, 14, 23, 24, 25, 26, 35 and 36 and the East halves of Sections 15, 22, 27 and 34 in Township 14, Range 3, all West of the 2nd Principal Meridian;

(9) "School District of Mount Pleasant Protestant Public School District No. 39 of the North-West Territories," comprising Sections 7, 18, 19, 30 and 31, in Township 19, Range 14; Section 6 in Township 20, Range 14; Sections 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, in Township 19, Range 15, and sections 1, 2, 3 and 4 in Township 20, Range 15, all west of the 2nd Principal Meridian;

- (10) "School District of Bonnycastle Protestant Public School District No. 40 of the North-West Territories," comprising all that portion of Township 20 in Range 12, West of the 2nd Principal Meridian lying North of the Fishing Lake in said Township;
- (11) "School District of Lindsay Protestant Public School District No. 41 of the North-West Territories," comprising sections 30, 31 and 32 in Township 46, Range 27; Sections 25, 26, 35 and 36 in Township 46, Range 28; Sections 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20 and the North-West quarter of Section 3, in Township 47, Range 27; Sections 1, 12, 13 and 24, in Township 47, Range 28, all west of the 2nd Principal Meridian; also sections 25 and 26 in Township 46, Range 1, and Sections 1, 12, 13 and 24 in Township 47, Range 1, West of the 3rd Principal Meridian;
- (12) "School District of Kinisteno Protestant Public School District No. 42 of the North-West Territories," comprising sections 3, 4, 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, and the East halves of sections 2 and 14, in Township 45, Range 21; Sections 10, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36 in Township 45, Range 22, and section 2, in Township 46, Range 22, all west of 2nd Principal Meridian;
- (13) "School District of Hillburn Protestant Public School District No. 43, of the Northwest Territories," comprising sections 19, 20, 21, 28, 29, 30, 31, 32 and 33 in Township 15, Range 31; sections 4, 5, 6, 7, 8, 9, 16, 17 and 18, in Township 16, Range 31; Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36 in Township 15, Range 32; and Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15, in Township 16, Range 32, all west of the 1st Principal Meridian;
- (14) "School District of Island Lake Protestant Public School District No. 44 of the North-West Territories," comprising Township 47, Range 25, West of 2nd Principal Meridian;
- (15) "School District of Fleming Protestant Public School District No. 45, of the North-West Territories, comprising sections 30 to 36, inclusive, in Township 12, Range 30, and sections 1 to 24, inclusive, in Township 13, Range 30, West of 1st Principal Meridian;
- (16) "School District of Fairfield Protestant Public School District No. 46 of the North-West Territories," comprising sections 1 to 39, inclusive, in Township 12, Range 30, West of the 1st Principal Meridian;
- (17) "School District of Macleod Protestant Public School District No. 47 of the North-West Territories," comprising from the point where the old Man's River crosses the Western side of section 5, in Township 9, Range 26, continuing two miles on each side down stream of the said river to the

point where said river crosses the Northern side of Section 10, Township 10, Range 25, West of the 4th Principal Meridian;

(18) "School District of Pheasant Forks Protestant Public School District No. 48, of the North-West Territories," comprising Township 21, Range 9, West of the 2nd Principal Meridian;

(19) "School District of Saint Laurent Catholic Public School District No. 9, of the North-West Territories," comprising sections 3 to 36, inclusive, in Township 44, Range 1, and sections 25 and 36 in Township 44, Range 2, West of the 3rd Principal Meridian;

(20) "School District of Lourdes Catholic Public School District No. 10 of the Northwest Territories," comprising that portion of Township 45, Range 1, West of the 3rd Principal Meridian, and also that portion of Township 45, Range 28, West of the 2nd Principal Meridian, lying south of the South Branch of the Saskatchewan River;

(21) "School District of Lacombe Catholic Separate School district No. 1 of the North-West Territories," comprising sections 25 to 36, inclusive, in Township 23, and sections 1 to 24 inclusive, in Township 24, Range 1, West of the 5th Principal Meridian;

4. The following persons are hereby declared to be the Trustees of the "School District of Park Protestant Public School District, No. 20, of the North-West Territories," viz.: Daniel Campbell, Joseph Callin and George Vigar.

5. The following persons are hereby declared to be the Trustees of the "School District of Bellerose Catholic Public School District No. 6, of the North-West Territories," viz.: Octave Bellerose, Julien Savard and Charles Dumas.

6. The following persons are hereby declared to be the Trustees of the "School District of Saskatoon Protestant Public School District No. 13, of the Northwest Territories," viz. Henry Trounce, Robert M. Dalmage and Thomas Copland.

No. 5 of 1885.

*An Ordinance to Amend Ordinance No. 3 of 1884,
Known as "The Administration of Civil Jus-
tice Ordinance, 1884."*

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Sections numbered one, two, three and four respectively of Ordinance No. 3 of 1884, intituled "An Ordinance to amend and consolidate as amended the Ordinances respecting the administration of Civil Justice in the North-West Territories," are hereby repealed, and the following substituted therefor.

(1) "The Stipendiary Magistrates appointed under the North-West Territories Act 1880, and amendments thereto, shall be and form a Court of Civil Jurisdiction to be styled "The High Court of Justice," and the word "Judge," whenever it occurs in this Ordinance, shall mean such Stipendiary Magistrate."

(2) "The Lieutenant-Governor upon the request in writing of the Judges, or a majority of them, shall divide the Territories into Judicial Districts, and give to each of them an appropriate name, and from time to time alter the limits of such Districts, but such alterations shall not affect suits pending, when such alteration takes effect, which shall continue, as if no such alteration had been made."

(3) "The divisions into which the Judicial Districts are now divided under and by virtue of 'The administration of Civil Justice Ordinance 1884,' by proclamation of the Lieutenant-Governor shall be Judicial Districts, until altered under the provisions of this Ordinance."

(4) "Proceedings in suits pending in any of the Courts existing when this Ordinance takes effect, shall not lapse, but shall be continued under the changes in name and title hereby provided, and Records of such Courts shall be and remain Records of Courts under this Ordinance."

(5) "Writs of execution and attachment in force, when this Ordinance takes effect, shall continue in force within the area of Territory such Writs extend to, until executed."

(6) "Courts of Civil Jurisdiction shall be held in every Judicial District, each such Court shall be a Court of Record, and shall be styled

“ ‘High Court of Justice, District,’ the appropriate name of the District being placed before the word District.”

(7) “The judges, or a majority of them shall in writing from time to time settle the District Courts, over which they shall respectively preside, and sittings of such Courts shall be held at such times and places as the Judge thereof shall appoint.”

2. Section five of the said Ordinance is hereby amended, by striking out all the words after the word “Intestacy,” and substituting the following therefor, “and the direction and regulation of the management and disposition of the estates of infants and insane persons.”

3. Section seven of the said Ordinance is hereby amended, by striking out the words “five hundred,” and substituting therefor the words “one thousand.”

4. Section thirteen of the said Ordinance is hereby amended by striking out the words “to the proper officer” and substituting therefor the words “to the person applying therefor.”

5. Sub-section three of section fourteen is hereby amended by striking out the words “and that it came to his knowledge.”

6. Sub-section five of the said section fourteen is hereby repealed, and the following substituted therefor: “Except by special permission of the Judge, no case shall be heard at any sittings, unless the summons to appear has been served at least ten days previous to the sittings named in the summons, and unless the summons be returned to the Clerk before the sitting of the Court named therein.”

7. Section fifteen of the said Ordinance is hereby amended by striking out the words “upon the Defendant in the form “D” of the said appendix.”

8. Section eighteen of the said Ordinance is amended, by striking out the words “or division” and by adding thereto the following words: “but the judge may, where the ends of justice seem to require it, on proper application therefor, change the place of trial on such conditions as may be by him considered proper.”

9. Section twenty-one of the said Ordinance is hereby repealed, and the following substituted therefor; “In appealable cases, the party desiring to appeal, shall, within fifteen days from the delivery of judgment, leave with the clerk a notice in writing of his intention to appeal from such judgment, and within fifteen days from the delivery of judgment as aforesaid, or within such further period as the judge may order, pay into court the sum of three hundred dollars as security for costs of appeal, in the event of such appeal being

“dismissed with costs; failing to give such notice or make such deposit, the right of appeal shall cease; after such deposit on application of the appellant execution shall be stayed in the original case in the following cases:”

(1) “If the judgment appealed from directs the assignment or delivery of personal property, execution shall not be stayed until the things directed to be assigned or delivered, have been brought into the court appealed from, or placed in the custody of such officer or receiver, as the judge may appoint, nor until security has been given to the satisfaction of the judge, and in such sum as he directs that the appellant will obey the order of the Court of Appeal:”

(2) “If the judgment appealed from directs the execution of a conveyance or any other instrument, execution shall not be stayed until the instrument has been executed and deposited with the clerk of the court appealed from, to abide the judgment of the court of appeal;”

(3) “If the judgment appealed from directs the sale or delivery of possession of real property or chattels real, execution shall not be stayed until security has been entered into to the satisfaction of the judge of the court appealed from, and in such sum as the judge directs, that during the possession of the property by the appellant, he will not commit or suffer to be committed any waste on the property and that if the judgment be affirmed, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, and also in case the judgment is for the sale of property and the payment of a deficiency arising upon the sale, that the appellant will pay the deficiency;”

(4) “If the judgment appealed from directs the payment of money, execution shall not be stayed, until the appellant has given security to the satisfaction of the judge of the court appealed from that, if the judgment or any part thereof be affirmed, the appellant will pay the amount thereby directed to be paid, or the part thereof as to which the judgment may be affirmed, if it be affirmed only as to part, and all damages awarded against the appellant on the appeal.”

10. Section twenty-two of the said Ordinance is hereby amended, by striking out the words “of all the evidence and exceptions,” and inserting in place thereof the words “his notes of the evidence and exceptions.”

11. Section twenty-three of the said Ordinance is hereby repealed.

12. Section twenty-five of the said Ordinance is hereby amended, by striking out the first seven words thereof, and inserting in their place the following words: “When the successful party in a suit is entitled to have judgment entered in his favor, the fees and other costs, to which

" he is entitled, shall be taxed by the clerk, and the judgment entered as
" of the date of its delivery."

13. Section twenty-six of the said Ordinance is hereby repealed.

14. Section twenty-seven of the said Ordinance is hereby repealed and the following substituted therefor :

" 27. After fifteen days from the date of judgment, unless otherwise directed by the judge, the same or some portion thereof remaining unpaid, the party in whose favor such judgment has been entered, may have one or more writs of execution, in the form "H" of the appendix, for levying, within the district named in such writ, the amount due on such judgment, and legal interest thereon, and costs subsequent to such judgment, by distress and sale of the goods and chattels and personal property, liable to seizure and sale for debt, of the party, against whom the said judgment has been so entered."

15. Section twenty-nine of the said Ordinance is hereby amended by striking out the words: "in at least twelve", and inserting in place thereof the following words; "Copies of which notice shall be posted in the clerk's office, and at least five."

16. Section thirty-one of the said Ordinance is hereby amended by adding thereto the following sub-section :

(1) "In cases where registered mortgages upon lands or chattel mortgages are seized by the sheriff, such seizure shall have no effect until a notice thereof in writing, signed by the officer charged with the execution of such writ has been deposited in the registry office for the registration division, wherein the lands affected by such mortgages are situated, or in the office of the clerk of the court where the chattel mortgage is registered, and an entry of every such notice, when delivered, shall be made by the registrar or clerk as the case may be, in the proper books ; for which service, in each instance, a fee of fifty cents shall be payable to the registrar or clerk, as the case may be."

17. Section thirty-five of the said Ordinance is hereby amended by striking out the words, "his judicial district", and inserting in place thereof the words "the district named in the writ."

18. Section thirty-eight of the said Ordinance is hereby amended by striking out the first thirty-three words thereof and inserting the following words in their place: " Witnesses attending the trial shall, whether subpoenaed or not be entitled to receive such fees, as are authorized by the tariff hereinafter provided for," and by adding at the end of the section the following words: " and necessary disbursements made in procuring exhibits used at the trial."

19. Section forty-five of the said Ordinance is hereby amended by inserting after the word "transaction" the words "or joint liability."

20. Section forty-six of the said Ordinance is hereby amended, by striking out all the words therein after the word "writing", and inserting in place thereof the words, "which leave shall only be granted upon satisfactory proof by affidavit that the judgment, or some part thereof, naming the amount, is outstanding and unpaid."

21. Section forty-seven of the said Ordinance is hereby amended, by striking out all the words therein after the word "execution" and inserting in place thereof the following words: "on application *ex parte* to the judge by the party entitled to revival, supported by affidavit showing the grounds on which such revival is sought."

22. Section forty-nine of the said Ordinance is hereby amended, by striking out the word thirty and substituting therefor the word "fifteen."

23. Section fifty of the said Ordinance is repealed and the following substituted therefor:—"50. The expiring of any writ or process without service or execution shall not abate the suit, but the suit may be continued by the issue of *alias* or *pluries*, writs or processes as may be necessary, and concurrent writs of summons may always be issued."

24. Section fifty-two of the said Ordinance is hereby amended, by striking out the words "appointed to" and substituting therefor the words "who should."

25. Section fifty-five of the said Ordinance is amended, by adding thereto:—"And suitable fire proof safes and vaults for the keeping of such books, records of courts and all original documents necessary to be kept and preserved by the clerks, shall be also provided for each court, to be paid for out of the aforesaid revenue fund, when funds therefor are provided."

26. Section fifty-seven of the said Ordinance is hereby amended, by striking out the first seven words and inserting in lieu thereof the words, "whenever an advocate", and also by striking out the words "of five dollars to be increased according to the difficulty and importance of the case to a sum."

27. Section sixty of the said Ordinance is hereby amended by inserting after the word "thereof" the words "and attendance thereat by Advocate."

28. Section sixty-two of the said Ordinance is hereby amended, by striking out the words "from the Clerk," and by adding at the end of said section the following words:—"And such allowance for obtaining such summons, and attendance at the hearing, by Advocate,

“ as shall be approved of by the Judge, shall be taxed by the Clerk, and
 “ allowed to either party, either in whole or in part, as the Judge may
 “ direct.”

29. Section sixty-six of the said Ordinance is hereby repealed.

30. Section sixty-seven of the said Ordinance is hereby amended, by striking out all of sub-section two thereof after the word “Territories.”

31. Sub-sections one and two respectively of Section seventy-six, of the said Ordinance are hereby amended, by inserting between the words “had” and “is” in each of said sub-sections the following words: “Or in the case of a Corporation, that it has a Branch or Agency thereof in the said District; or in the case of a non-resident, that he has an Agent, Managing Clerk, or other representative resident, and carrying on business within the said District;”

32. Section eighty-one of the said Ordinance is hereby amended, by striking out the words “of the District Court.”

33. Section Ninety of the said Ordinance is hereby amended, by striking out the word “by” where it first appears in the tenth line of said Section.

NEW SECTIONS.

34. When several persons sue out Writs of attachment against a Defendant in attachment, the proceeds of the property and effects attached when paid into the Court, as other monies realized under process of law are directed, shall, subject to any priorities authorized by law, be rateably distributed among such of the attaching plaintiffs in such Writs, and such other persons, as shall in due course obtain Judgment against the Defendant in the said Court, and sue out executions thereon in proportion to the sums actually due upon such Judgments, and the Judge may on application delay such distribution to give reasonable time for the obtaining of Judgments, as also fix a date for such distribution.

35. The commencement of a suit, or the issue of a summons or taking of a proceeding in any cause, in which any title or interest in lands is brought in question, shall not be deemed notice of such suit or proceeding to any person not being a party thereto, until a certificate by the Clerk of the Court in the following form has been registered in the Registry Office of the Registration District, in which the land is situated:

“I certify that, in a suit or proceeding now pending between A. B. and C. D., some title or interest is called in question in the following land (describing it.)”

36. Where no probate of the Will of a deceased person or letters of administration to his estate have been granted, and representation of such estate is required in any action or proceeding in Court, the Judge may appoint some person administrator *ad litem*, according as the case may require, to the estate, and the person so appointed shall give such security, if not dispensed with, as the Judge may require, and have *pendente lite*, as the case may be, the rights, authorities, and responsibility of an administrator, and such fees shall be payable, when appointments of administrators are made under this section, as in other cases.

37. The Bond, Form "O," to be taken by the Clerk as required by Section eighty-six of the said Ordinance shall, in addition to the condition heretofore provided, be conditioned to indemnify and save harmless the defendant from all loss and damages which he may sustain by reason of the seizure, and of any deterioration of the property in the meantime, in the event of its being returned, and all costs, charges, and expenses which the defendant may incur.

38. In cases where the claim of the plaintiff is founded on a promissory note, bill of exchange contract or other document, in which the amount of the claim is ascertained by the signature of the defendant, or on a merchant's account, the Clerk on receiving a plain statement in writing of such claim, shall issue a special summons in the form following, which, with as many copies of the same as there defendants, shall be delivered for service as in other cases:

" CANADA,
NORTH-WEST TERRITORIES.

" In the High Court of Justice.

District,

" Between

Plaintiff,

and

Defendant,

" To the above named Defendant

" The Plaintiff demands of you the sum of
 "Dollars, as shown by his claim herewith. You are notified that this
 "Summons is returnable on the _____ day after the
 "day of the service hereof upon you, and take notice that if you dispute
 "the said claim, or some part thereof, you are to leave with the Clerk of
 "this Court within _____ days after the day of such
 "service, a notice to that effect, accompanied by an affidavit that the
 "filing of such notice is not for the purpose of obtaining delay, and that
 "you have a good defence to the action, or to the extent named in the
 "notice, as you are advised and believe; otherwise after such return day
 "has passed, Judgment may be given against you by default. In case

"you give such notice disputing the claim, the cause will be set down
 "for trial, and tried at the Sittings of this Court to be holden at
 "on the day of

"A.D. 18 at 10 o'clock in the
 "forenoon, at which time and place you are required to appear.

"And in default of your so appearing, the Plaintiff may proceed
 "to obtain judgment against you.

"Issued at
 "this day of A.D. 18

Clerk of Court."

39. In cases where the defendant resides in the district, whence the special summons issued, the time limited for the defendant to appear, and contest the claim of the plaintiff, shall be ten days after service, and when the defendant resides in another District, fifteen days.

40. After the time limited for the Defendant to appear and contest the claim, as named in the summons, has expired, and no notice disputing the claim has been filed with the clerk by the defendant, an application may be made by the Plaintiff, or by some one on his behalf, to the Judge for an order that final judgment be entered; upon the granting of which order, final judgment shall be entered, as in ordinary cases, but such order shall not be had, except upon production of an affidavit of the Plaintiff, or his duly authorized agent, verifying the indebtedness of the defendant, and the amount thereof.

41. Whenever a defendant, served with a special summons, desires to appear and contest the plaintiff's claim, he may do so, within the time named in the summons, on filing with the Clerk a notice of his intention to do so, accompanied by an affidavit of himself, or his duly authorized agent in that behalf, and who is conversant with the facts, to the effect that the filing of the notice is not for the purpose of obtaining delay, but that the defendant has, as he is advised and believes, a good and valid defence to the action.

42 The defendant may at any time, upon the order of the Judge of the Court whence such summons is issued, be permitted to come in and defend such action, upon such terms as to costs and otherwise, as to the Judge may seem just.

43. In the event of there being two or more defendants in any such action, and one or more of them shall not be served in proper time before the day of Court mentioned therein, such action thereby shall not thereby be discontinued, but the Clerk on request shall, at the foot or in the margin of the original summons and the copy or copies thereof, state that the time for the trial thereof in the event of the defendant or defendants disputing the Plaintiff's claim, is extended to the next sittings of the said Court, giving the time and place of such sittings.

44. In the event of one or more defendants disputing the claim of the plaintiff, judgment shall not be given, until the said cause shall be tried and on such trial the Judge may order that the judgment shall not be entered against any of the defendants.

OVERHOLDING TENANTS.

45. In case a tenant after his lease or right of occupation has expired, or been determined by the landlord or the tenant by a notice to quit, or a notice pursuant to any proviso in any lease or agreement, in that behalf, or has been determined by any other act, whereby a tenancy or right of occupation may be determined or put an end to, wrongfully refuses, upon demand made in writing, to go out of possession of the land demised to him, or which he has been permitted to occupy, his landlord or the agent of his landlord may apply to the Judge of the Court holden within the District, within which such lands are situated, setting forth upon affidavit the terms of the demise or right of occupation, if verbal, and annexing a copy of the instrument creating or containing such demise or right of occupation, if in writing, or if a copy cannot be so annexed, then setting forth the terms of the demise or right of occupation and the reason why a copy of such instrument cannot be annexed, and also annexing a copy of the demand made for the delivery up of possession, and stating also the refusal of the tenant to go out of possession, and the reasons given for such refusal, if any be given, adding such explanation in regard to the ground of such refusal, as the truth of the case may require. If upon such affidavit it appears to such judge, that the tenant wrongfully holds over without color of right, and that the landlord is entitled to possession, such Judge may direct the issue of a summons out of the Court by the Clerk returnable before such Judge, at such time and place, as he may think proper, when he may enquire and determine whether the person complained of was tenant to the complainant for a term or period, which has expired, or has been determined by a notice to quit, or otherwise, and whether the tenant without any color of right holds the possession against the right of the landlord, and whether the tenant refuses wrongfully to go out of possession. Upon proof of personal service of such summons upon the defendant, or that reasonable efforts, stating the same, have been made to effect such service without success, and that a copy of such summons has been left with some grown up person living on the premises, or, if the premises are unoccupied, that a copy of such summons has been posted up in a conspicuous place on the premises, what the judge deems a reasonable time before the time therein appointed for appearing to the same, if the tenant fails to appear upon the return day of such summons, such judge shall hear the complaint and adjudicate thereon, and if he decides that the tenant holds without color of right, may order judgment to be entered in the court for the plaintiff, and a writ of *habere facie possessionem* to issue out of the court, at such time as he may order, to place the plaintiff forthwith in possession of the premises in question : but if the ten-

ant appears at such time and place, such judge may in a summary way, as in other civil cases, in court examine into the matter, and if it appear to the said judge that the case is one clearly coming under the true intent and meaning of this section, and that the tenant holds without color of right against the right of the plaintiff, then he shall order the issue of such writ as aforesaid ; otherwise he shall dismiss such case, and the proceedings in any such case shall form part of the records of such court. Such judge may award costs, as in other cases, and in case the defendant is ordered to pay such costs the said writ shall direct the person having the execution thereof to make the amount of such costs out of the goods and chattels of the defendant within such district, and in case the plaintiff is ordered to pay costs, execution may issue out of the court for such costs, as in other cases. Witnesses may be subpoenaed in any such case, and the several provisions of the administration of Civil Justice Ordinance, 1884, and amendments thereto, relating to witnesses and evidence shall apply as in other cases before the court.

46. In the construction of the next preceeding section of this Ordinance the word "tenant" shall mean an occupant, a subtenant, under tenant, and his and their assigns and legal representatives, and the word "landlord" shall mean and include the lessor, owner, the person giving or permitting the occupation of the premises in question, and the person entitled to the possession thereof, and his and their assigns and legal representatives.

GENERAL PROVISIONS.

47. The judges or a majority of them may make rules and orders for the management and disposition of the estates of insane persons, the appointment of guardians therefor, and the exacting security for the due performance of their duties by such guardians.

48. Any act, matter, or thing to be done and any duty to be performed by the clerk under and by virtue of this Ordinance may be done and performed as fully and effectually by the judge.

49. This Ordinance shall take effect on after the first day of February, A. D. 1886.

No. 6 of 1885.*An Ordinance Respecting the Duties of Clerks of Courts.**Passed 18th December, 1885.*

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. On and after the first day of February, A. D. 1886, whenever in any Ordinance duties are imposed upon the clerk of a district court, the same shall be performed by the clerk of the civil court of the district, and the expression "District" or "Division" shall thereafter mean Judicial District.

No. 7 of 1885.*An Ordinance to Regulate the procedure in Appeals in Capital Cases.**Passed 18th December, 1885.*

Whereas by section seventy-seven of "The North-West Territories Act, 1880," it is in effect enacted that any person convicted of any offence punishable by death may appeal to the Court of Queen's Bench, Manitoba, which shall have jurisdiction to confirm the conviction or to order a new trial; and that the mode of such appeal and all particulars relating thereto shall be determined from time to time by Ordinance of the Lieutenant-Governor-in-Council;

And whereas it is desirable to make provision for such cases in so far as the Lieutenant-Governor-in-Council can;

Therefore be it enacted by the Lieutenant-Governor-in-Council as follows:

1. Whenever any person is convicted of any offence punishable by death and upon such conviction gives notice to the Stipendiary Magistrate presiding at his trial of his desire to appeal to the Court of Queen's Bench of Manitoba, the Stipendiary Magistrate shall, without delay, forward, under cover, by post directed to the prothonotary or clerk of the said Court of Queen's Bench of Manitoba, a record of the said trial, together with a copy of his notes of the evidence taken thereat and of any exhibits or documents filed in evidence on the trial, all duly certified by him, and further, upon requisition from the said court, the said Stipend-

iary Magistrate shall transfer to the said court any original exhibits which may be called for by such requisition.

2. Unless the notice hereinbefore mentioned be given within ten days after conviction, the right to appeal shall cease.

No. 8 of 1885.

An Ordinance Exempting Certain Property from Seizure and Sale under Execution.

Passed 18th December, 1885

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. The following real and personal estate are hereby declared free from seizure by virtue of all Writs of Execution issued by any Court in these Territories, namely:

- (1) The necessary and ordinary clothing of the defendant and his family;
- (2) The furniture and household furnishings belonging to the defendant and his family to the value of five hundred dollars;
- (3) The necessary food for the defendant's family during six months, which may include grain and flour, or vegetables and meat either prepared for use or on foot;
- (4) Two cows, two oxen, and one horse, or three horses or mules, six sheep, and two pigs, besides the animals the defendant may have chosen to keep for food purposes, and food for the same for the months of November, December, January, February, March and April, or for such of these months or portions thereof, as may follow the date of seizure, provided such seizure be made between the first day of August and thirtieth day of April next ensuing;
- (5) The harness necessary for three animals, one wagon or two carts, one mower or cradle and scythe, one breaking plough, one cross-plough, one set harness, one horse rake, one sewing machine, and one reaper or binder;
- (6) The books of a professional man;
- (7) The Tools and necessities used by the defendant in the practice of his trade or profession;

- (8) Seed grain sufficient to seed all his land under cultivation, not exceeding eighty acres, at the rate of two bushels per acre, defendant to have choice of seed, and fourteen bushels of potatoes.
- (9) The homestead of the defendant, provided the same be not more than one hundred and sixty acres; in case it be more, the surplus may be sold subject to any lien or incumbrance thereon;
- (10) The house and buildings occupied by the defendant to the extent of fifteen hundred dollars, and also the lot or lots, on which the same are situate according to the registered plan of the same.

2. The defendant shall be entitled to a choice from the greater quantity of the same kind of articles, which are hereby exempted from seizure.

3. Nothing in this Ordinance shall exempt from seizure any article, except for the food, clothing and bedding of the defendant and his family, the price of which forms the subject matter of the judgment upon which execution against the defendant is issued.

4. Ordinance No. 8 of 1879 or any ordinance heretofore in force in the North-West Territories exempting any property from seizure and sale under execution is hereby repealed, provided always that the provisions of Ordinance No. 8 1879 shall be held to apply to all debts contracted in the North-West Territories before the passing of this ordinance.

No. 9 of 1885.

An Ordinance to repeal Ordinance No. 18 of 1884, and to amend Ordinance No. 10 of 1879 Intituled "An Ordinance respecting the Ordinances of the North-West Territories.

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:

1. Ordinance Number Eighteen of 1884 is repealed, and the following substituted therefor:

Sub-section Number Eight of Section Four of Ordinance Number Ten of 1879 is amended, by adding thereto the following words "And the word "time" shall mean "Standard Time."

No. 10 of 1885.*An Ordinance Respecting the Legal Profession.**Passed 18th December, 1885.*

Whereas it is expedient to make provision for the enrollment of the persons, who shall be empowered to act on behalf of others, as Counsel or Advocate in the Courts of Civil Jurisdiction in the North-West Territories;

Therefore be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows;

1. The following persons, and no others, shall be entitled to recover or receive any fee or reward for suing out process, defending actions, conducting proceedings, and practising before the Courts of Civil Jurisdiction in the Territories on behalf of any other person, or persons, or Corporations:

- (1) Any person, who has been duly called to the Bar of any of the Courts in Her Majesty's Dominions, or who has been admitted to practise as an attorney, advocate, or solicitor in any of said courts, and who is actually residing in the Territories on the date of the passing of this Ordinance;
- (2) Any such person, who hereafter becomes a Resident of the Territories;
- (3) Any person who has been actually and continuously engaged in the practice of law in the said Territories for the two years immediately prior to the passing of this Ordinance, and who has studied law in a law office within Her Majesty's dominions for at least three years;
- (4) Any subject of Her Majesty of the age of twenty-one years, actually residing in the Territories at the time of the passing of this Ordinance, who shall furnish to the judge of the district, within which he is residing, satisfactory evidence of good character, and that he has been practising law in the North-West Territories prior to the passing of this Ordinance, and who shall, within twelve months from the passing thereof, present himself for and pass an examination to the satisfaction of such judge and a duly enrolled advocate of the Territories to be named by such judge, on the general principles of the common law and equity jurisprudence, the British North America Act, and amendments thereto, the Statutes of the Dominion, and the Ordinances of the North-west Territories, and shall subscribe and take before such judge the oath hereinafter perscribed;
- (5) Any subject of Her Majesty of the age of twenty-one years actually residing in the Territories, who shall furnish to the judge

of the district, in which he is residing, satisfactory evidence of good character, and that he has pursued the study of law for at least three years, and has been during such time articulated to and actually engaged in the study and practice of law in the office of a duly enrolled advocate in the North-West Territories; and said articles and any assignment thereof shall be filed with the clerk of the District Court, within which such advocate resides, within one month after the execution thereof, together with an affidavit verifying such execution; and shall pass an examination to the satisfaction of such judge and a duly enrolled advocate of the Territories, to be named by such judge, in the subjects specified in the preceeding sub-section, and shall take and subscribe to the oath hereinafter prescribed.

2. All such persons shall be officers of the several courts of the Territories, and shall be known and designated as advocates of such courts, and be entitled and empowered to act in any court of civil jurisdiction in the North-West Territories.

3. This ordinance shall not apply for the period of twelve months to any of the persons referred to in sub-section four of section one so as to prevent such persons from practising law during such period the same as heretofore, and in order to enable them to prepare for and pass the examination in such sub-section provided.

4. The persons referred to in sub-sections one and three of section one shall be entitled to be enrolled as such advocates upon production to the Lieutenant-Governor of a certificate from a judge of the North-West Territories to the effect that he is entitled to be enrolled, and was at the time of the passing of this Ordinance actually residing in the North-West Territories, and paying a fee of two dollars.

5. The persons referred to in sub-section two of section one of this Ordinance shall be entitled to be enrolled as such advocate upon production to the Lieutenant-Governor of a certificate from a judge of the North-West Territories to the effect that he is entitled to be enrolled, and has since the passing of this Ordinance become a resident of the North-West Territories, and paying a fee of fifty dollars.

6. The persons referred to in sub-section four and five of section one of this Ordinance shall be entitled to be enrolled as such advocate upon production to the Lieutenant-Governor of a certificate from a judge of the North-West Territories and the advocate by whom such applicant has been examined to the effect that such person is entitled to be enrolled, and has passed the examination provided by this Ordinance and paying a fee of fifty dollars.

7. Upon receipt of such certificate and fees the Lieutenant-Governor shall cause the name of the advocate to be enrolled in a book.

to be kept for that purpose, the date of such enrollment and the name of the judge who has certified to his being entitled to be enrolled, and shall issue to such advocate a certificate in the form following:—

Certificate to practise as an advocate in the North-West Territories.

No.....

This is to certify that
having complied with the provisions of "the Ordinance respecting the
Legal Profession" was, on the day of
A.D, 18 , duly enrolled as an advocate of the courts of civil
jurisdiction in the North-West Territories; and as such is entitled to all
the rights and privileges granted by said Ordinance.

Given under my hand and the seal of the North-West Territories.
at this day of
 in the year of our Lord, one thousand eight
hundred and

.....

Lieutenant-Governor;
of the North-West Territories.

" Endorsement.

Registered this day , A. D. 18
 Liber Folio
 Clerk of Council."

8. The production of such certificate, purporting to be signed by the Lieutenant-Governor, shall be *prima facie* evidence that the holder is entitled to the rights and privileges of an advocate.

9. All fees paid under this Ordinance shall belong to the General Revenue fund of the Territories.

10. The oath to be taken as hereinbefore prescribed shall be as follows ;

I A. B., do solemnly swear, that I will well and truly and honestly demean myself as an Advocate in the North-West Territories, according to the best of my knowledge skill and ability. So help me God.

11. The judge of the district, within which such advocate is residing or practising, upon the application of any person upon such notice to such advocate, as the judge may direct, may order that any advocate, so enrolled as aforesaid, be struck off the rolls, or be suspended for such time as such judge may think proper, for non-payment of monies received by him as such advocate, after judgment shall have been entered against such advocate, and the period of three months shall have elapsed without the payment thereof, or for the conviction of any such advocate of felony or misdemeanor ; and the Lieutenant-Governor, upon receiving

from such judge such order, shall note opposite the name of such advocate a minute thereof and thereafter such advocate shall be debarred from the privileges of this Ordinance during the time limited by such order.

12. Enrollments made up to the first day of March A. D. 1886, shall have effect from the passing hereof.

No. 11 of 1885.

An Ordinance relating to Medical Practitioners in the North-West Territories.

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. The following persons, and no others, shall be allowed to practise physic, surgery or midwifery in the North-West Territories for, hire, gain, or hope of reward ;

- (1) All persons at the time of the passing of this Ordinance actually residing in the North-West Territories, and who possess any Medical degree or diploma from any University or College in Her Majesty's Dominions; which is empowered by law to grant Medical or Surgical degrees, whereby such person is authorized to practice physic, surgery or midwifery, or any license from any Board or Corporate body in Her Majesty's Dominions empowered by law to grant licenses to practise physic, surgery or midwifery ;
- (2) All persons at the time of the passing hereof, being British Subjects, and actually residing in the North-West Territories, and who have for the period of one year, prior to such passing, been in actual practice of physic, surgery and midwifery in such Territories, and who possess a Medical degree or diploma or license from any University or College in the United States of America, whose curriculum demands at least two years attendance at medical and surgical lectures, provided such university or college is authorized by law to grant such degrees or diplomas ;
- (3) All persons at the time of the passing hereof actually residing in the North-West Territories, and who have for the period of one year, prior to such passing, been in the actual practice of physic, surgery or midwifery, and who shall pass an examination, as

hereinafter provided, within one year after the passing of this Ordinance:

(4) All persons who hereafter become actual residents of the North-West Territories, and who possess any medical degree or diploma from any university or college in Her Majesty's Dominions, which is empowered by law to grant medical or surgical degrees, whereby such person is authorized to practice physic, surgery or midwifery, or any license from any Board or Corporate Body in Her Majesty's Dominions empowered by law to grant licenses to practice physic, surgery or midwifery.

2. Such examination shall be held by any two medical practitioners registered under this Ordinance, to be appointed from time to time by the Lieutenant-Governor, and such examination shall be upon the following subjects:—Anatomy, Chemistry, Physiology, and Materia Medica, the principles and practice of Medicine, Surgery and Midwifery. each of such Examiners shall be entitled to a fee of ten dollars to be paid by the Applicant, and upon being satisfied that the Applicant is entitled thereto, shall give such Applicant a certificate, signed by both of them, to the effect, that he is entitled to be registered, and has passed the examination prescribed by sub-section three of section One of this Ordinance.

3. The persons referred to in Sub-sections One and Two of Section one shall be entitled to become registered on producing to the Lieutenant-Governor the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, and satisfying the said Lieutenant-Governor that he is entitled to be so registered, and paying a fee of five Dollars.

4. The persons referred to in sub-section (3) of section One of this Ordinance, shall be entitled to be registered by the Lieutenant-Governor on producing the certificate mentioned in section Two of this Ordinance and paying a fee of twenty-five dollars.

5. The persons referred to in Sub-section Four of Section one of this Ordinance shall be entitled to be registered by the Lieutenant-Governor on satisfying him, that they possess the qualification, or each of the qualifications, in respect whereof they seek to be registered, and paying a fee of Fifty Dollars.

6. All such fees shall be paid in to the General Revenue Fund of the Territories.

7. The Lieutenant-Governor shall keep or cause to be kept, a book or register, in which shall be entered the names of every person, so satisfying him of his right to be registered under this Ordinance, the date of such registry, and a minute of the degree, diploma, license, or certificate

produced by such person, and shall deliver to such person a certificate in the form or to the effect following, under his hand and the seal of the North-West Territories;

“Certificate to practice physic, surgery and midwifery in the North-West Territories.

No.

“This is to certify that
having complied with the Ordinance respecting Medical Practitioners in the North-West Territories, was on the _____ day
of _____ A. D. 18 _____ duly registered under said
Ordinance, and is entitled to practice physic, surgery and midwifery in said Territories, and to all rights and privileges granted by said Ordinance.

Given under my hand, and the Seal of the North-West Territories, at _____ in the said Territories this _____ day of _____ in the year of our Lord One thousand eight hundred and _____

.....
Lieutenant-Governor,
of the North-West Territories.

Endorsement.

Registered this _____ day of _____ 18 _____
Liber _____ Folio _____

Clerk of Council.

8. The production of such certificate, purporting to be signed by the Lieutenant-Governor shall be *prima facie* evidence that the holder is entitled to the rights and privileges therein mentioned.

9. It shall not be lawful for any person not registered to practice physic, surgery or midwifery in the North-West Territories for hire, gain or hope of reward, and if any person not registered shall for hire, gain or hope of reward, practice, or profess to practice, physic, surgery or midwifery, or advertise to give advice in physic, surgery or midwifery in the Territories, he shall upon a summary conviction thereof before any Justice of the Peace for any and every such offence pay a penalty not exceeding one hundred dollars.

10. Any person not registered, who shall take or use any name, title, addition or description implying, or calculated to lead people to infer that he is registered, or that he is recognized by law as a Physician, Surgeon, Accoucheur, or a Licentiate in Medicine, Surgery or Midwifery shall be liable upon a summary conviction thereof before any Justice of the Peace as aforesaid, to pay any penalty not exceeding one hundred dollars.

11. In any such prosecution and trial, the burden of proof as to registration shall be upon the person charged.

12. All penalties hereby provided shall, when recovered, form part of the general Revenue fund of the Territories.

13. Any registered medical practitioner, who has been convicted of felony in any Court, shall thereby forfeit his right to registration, and the Lieutenant-Governor shall cause the name of such practitioner to be struck off the list: and in case a person known to have been convicted of felony, presents himself for registration, the said Lieutenant-Governor shall have power to refuse such registration.

14. No penalties under this Ordinance shall be incurred before the first day of March one thousand eight hundred and eighty-six.

No. 12 of 1885.

An Ordinance Respecting Poisons.

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. It shall be unlawful for any person to put out strychnine or other poison within one mile of any public trail, or within two miles of any dwelling house or camp;

Or in any other place in the Territories, unless he obtains a license from a justice of the peace, as hereinafter provided, and in accordance with the terms of such license.

2. A justice of the peace, when he is satisfied that it is advisable to put out poison for the destruction of wolves or other wild animals, may grant to any person a license to put out such poison, and shall in such license limit the number of places, at which it shall be put out, and the said license shall not extend beyond the limits of the judicial district, as defined in the Civil Justice Ordinance, in which the said justice resides; nor for a longer period than six months.

3. The said license, for issuing which any justice of the Peace shall be entitled to charge one dollar, may be in the following form:

"A. B., who resides at _____, is hereby permitted to set out strychnine, or other poison within the limits of the _____ Judicial district for the purpose of destroying wolves and other wild animals at _____ different places, being at least one mile from any public road, or trail, and two miles from any dwelling place, or camp, for a term not exceeding six months from the date of this license.

Given under my hand at _____ this

day of _____

A. D. 18 _____

(Signed) _____, J. P.

4. Every person convicted of an infraction of any of the provisions of this Ordinance shall be liable to a fine not exceeding one hundred dollars, with costs of prosecution, and in default of payment to be imprisoned for a term not exceeding three months.

5. Prosecutions under this Ordinance may take place in a summary way before a justice of the peace; and in prosecutions upon information, whereby conviction is secured and a fine paid or collected, the informer shall be entitled to receive one half of the said fine.

6. Ordinance No. 14 of 1878, intituled "An Ordinance respecting poisons" is hereby repealed.

No. 13 of 1885.

An Ordinance to Legalize a Certain By-Law of the Municipal Council of the Town of Regina.

Passed 18 December, 1885.

Whereas the Mayor and Council of the town of Regina have by their petition represented that a By-law to raise by way of loan the sum of ten thousand dollars, for the purpose of making certain public improvements in said town of Regina, was on the seventeenth day of November 1884 duly submitted to a vote of the ratepayers of said town of Regina, and upon said vote, a majority of votes having been cast in favor of said By-law, the same was duly passed by the Municipal Council of said town on the twenty-fourth day of November 1884, and intituled "By-law No. 10 of the Corporation of the town of Regina to raise by way of loan the sum of ten thousand dollars;" That the said Mayor and Council have sold a portion of the debentures authorized to be issued thereunder and have contracted for the sale of the remainder thereof, and have proceeded to complete certain of the improvements specified in said by-law

and have incurred liabilities in respect thereof to nearly the full amount of the proceeds arising from the sale of such remaining debentures; That doubts have recently arisen as to the validity of said By-law, and owing to the existence of such doubts the purchaser refuses to complete his contract for the purchase of said debentures.

Wherefore the said Mayor and Council pray that an Ordinance may be passed legalizing the said debentures;

And whereas it is expedient to grant the prayer of said petition;

Therefore be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. The said By-law of the town of Regina intituled "By-law No. 10 of the Corporation of the town of Regina to raise by way of loan the sum of ten thousand dollars," and all the debentures now issued, or that may hereafter be issued under and in pursuancè of said By-law are and the same are hereby declared to be legal, valid, and binding upon the said corporation of the Town of Regina, any law, statute or Ordinance to the contrary notwithstanding, and notwithstanding any omission or defect in point of form, or otherwise, in the said by-law, or in the passing thereof, or in the said debentures, or any of them.

2. Notwithstanding anything in said by-law contained, the Municipal Council of the said Town of Regina, shall raise, levy and collect in each year hereafter during the continuance of said by-law upon the rateable property in said Town of Regina a sum sufficient to pay the interest upon said loan, and the sinking fund provided by said By-law.

No. 14 of 1885.

An Ordinance to Legalize a Certain By-Law of the Municipality of South Qu'Appelle.

Passed 18th December, 1885.

Whereas by a certain by-law duly passed by the said corporation intituled "By-law No. 11."

By-law for levying rates, taxes and impositions for the year 1884:

"It is enacted a by-law of the Municipal Council of the Municipality of South Qu'Appelle, in Council, assembled: That there be rated, taxed, levied and imposed on all the rateable property of the Municipality of South Qu'Appelle, for the current year, the rate of

“ four mills in the dollar; that the Clerk complete the collector's roll in accordance with this by-law.”

And whereas a doubt has arisen as to the legality of the said by-law, and the Council of the said corporation have prayed that an Ordinance may be passed legalizing, confirming, and declaring valid the said by-law;

Therefore be it enacted by the Lieutenant Governor of the North-West Territories, in Council, as follows:

1. The by-law of the Council of the Corporation of the Municipality of South Qu'Appelle recited above in the preamble to this Ordinance intituled “By-law No. 11” is, and all proceedings thereunder are hereby legalized, confirmed and declared to be valid.

No. 15 1885.

*An Ordinance to Amend and Consolidate, as Amended
Ordinance No. 1 of 1883 intituled “An Ordinance
Respecting infectious and Contagious Dis-
eases of Domestic Animals,” and Or-
dinance No. 15 of 1884, intituled
“An Ordinance to Amend
Ordinance No. 1 of 1883
Respecting Infectious
Diseases of Domes-
tic Animals.*

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. The Lieutenant-Governor may, whenever he considers it necessary appoint one or more Veterinary Surgeons, defining in such appointments the district or limits within which each such veterinary surgeon shall exercise the powers by law imposed on him.

2. The owner of any horse or animal affected with glanders or farcy, or the person in whose charge such animal may be, shall, immediately

on ascertaining that the animal is affected, or on being notified thereof by a Veterinary Surgeon appointed as aforesaid, kill such animal, and burn or bury the carcass of the said animal to the satisfaction of the veterinary surgeon aforesaid. And in case the owner or person, in whose charge the affected animal may be, refuses or neglects to carry out the provisions of this Section, the veterinary surgeon may kill and burn or bury the carcass of the animal, at the expense of the said owner or keeper; provided, however, that if the owner of such animal has reason to believe that such animal is not affected with glanders or farcy, he may deliver a notice in writing to that effect to the veterinary surgeon, and the veterinary surgeon shall thereupon place the animal in quarantine, and shall give notice requiring the owner or person in whose charge such animal may be, to be and appear before such Justice of the Peace as may be named in such notice, at such time and at such place as may therein be named, to show cause why the said animal should not be destroyed; and the said Justice of the Peace shall at such time and place, whether such owner or keeper appears or not, hear such evidence as may be submitted by the veterinary surgeon and by the owner or holder of such animal, and thereupon shall, if the evidence, in the opinion of the said justice of the peace; shows the animal to be affected with glanders or farcy, order the veterinary surgeon to destroy such animal, and such owner or keeper neglecting to carry out the provisions of this section, or in any way interfering with a veterinary surgeon in the discharge of the duties imposed by this section shall be liable, on summary conviction before a justice of the peace, to a fine not exceeding one hundred dollars.

3. In cases where destruction of an animal shall be had under the provisions of this Ordinance, and a veterinary surgeon, appointed by the Lieutenant-Governor shall have acted and the fee provided shall not have been otherwise recovered, the fee of ten dollars, and travelling expenses at the rate of ten cents per mile both ways may be paid by the Lieutenant-Governor out of the General Revenue Fund to such veterinary surgeon.

4. It shall be unlawful for the owner or owners or for any person, or persons, having in charge any horse, cattle or domestic animal affected with any contagious disease, to allow said diseased animal or animals to run at large. All animals affected with contagious diseases shall be at once removed by the owner or owners thereof, or the person or persons in charge of the same to some secure inside enclosure, where contact with other animals, by reaching over or through the fence of said enclosure will be impossible; or such diseased animal or animals shall be closely herded six miles away from any farm, or from any other stock running at large, and shall be kept in such enclosure, or herded as herein provided, until they shall die, or are entirely cured of any contagious disease. Every person who is the owner, or part owner, or has in his charge any animals affected with any contagious disease, who shall knowingly neglect, or refuse to remove, or so enclose, or herd away from

farms or stock, such animals affected with any contagious disease as hereinbefore provided, shall be liable for every such offence to a penalty not exceeding one hundred dollars.

5. Upon complaint in writing, under oath, made to any justice of the peace, that any person owns, or has in his possession, either on his own premises, elsewhere, or running at large, any horse, cattle or domestic animal to the best of his knowledge and belief, or according to his information, affected with some infectious or contagious disease dangerous to life, (which complaint may be in the Form "A." to this Ordinance) the justice of the peace may make an order in the first instance, or in his discretion he may issue a summons upon the party complained against, and on return thereof make or refuse the order, ordering a veterinary surgeon, or if such person cannot be obtained, any other person with proper attainments to proceed forthwith and make a thorough examination of the animal alleged to be diseased, and report the result in writing to the justice of the peace with a distinct statement whether or not it is infectious or contagious and dangerous to life; and the said order if made in the first instance, shall contain a summons upon the party complained against, ordering him to appear before two justices of the peace on a day and hour therein named, to show cause why the said animal should not be ordered to be destroyed; and said Order may be in the form "B" to this Ordinance.

Any animal running at large affected with any infectious or contagious disease, and for which no owner, on reasonable enquiry can be found, may be dealt with by a justice under this section as if the same was affected with a disease dangerous to life.

6. It shall be the duty of such person, as the justice of the Peace shall appoint, forthwith to obey the order in the next preceeding section mentioned, and to perform and execute the duties, and make his report in writing as therein mentioned, and for every such examination and report he shall be paid the sum of five dollars, and travelling allowance at the rate of ten cents per mile each way from the General Revenue Fund of the Territories.

7. The order or summons mentioned in the fifth section of this Ordinance, and all other papers in the matter may be served on the parties complained against by delivering to and leaving the same with himself, or in case of his absence from his place or domicile, his wife or some member of his family having arrived at the years of discretion, or some domestic servant, or person in his employ; and the party so served shall obey all orders, summons, and other requisitions; and he shall point out assist, and lend all possible facility to the person appointed under the fifth section of this Ordinance to make the examination and report aforesaid.

8. Upon the return of the order in the preceeding sections mentioned the two justices of the peace, (one of whom shall be the justice who

issued the order), or the justice who issued the said order, if there is no other justice residing within twenty miles, shall read the report of the person appointed to examine and report under the fifth section of this Ordinance, and take his evidence on oath, and take the evidence of all witnesses produced by both parties, and read all affidavits produced or filed, and thereupon dismiss the complaint with or without costs, or order that the animal in question shall be destroyed with or without costs to be paid by the party complained against, or the justice may in his discretion order the costs to be paid out of the General Revenue Fund of the Territories, and the Lieutenant-Governor shall pay the same upon the order of the said justice; the costs in all cases to be taxed by the justice, and a writ of destruction shall issue accordingly under the hand and seal of the justices or justice, in the form "C" of this Ordinance.

9. Upon the writ of destruction, the officer to whom the same is directed, shall forthwith kill and destroy the animal therein mentioned, and so dispose of the body thereof by burning, or burying the same at least six feet deep, having first thoroughly disinfected the carcass, so that the infection or contagion may not spread; and of the goods and chattels, lands and tenements of the party complained against therein named, he shall make the costs in the said Writ mentioned, and his costs of executing the said Writ, which latter cost shall be five dollars besides mileage, and all reasonable disbursements.

10. Provided always that either of the justices mentioned in the eighth section of this Ordinance may, at any stage of the proceedings, stay the proceedings upon the party complained against paying the costs, in so far as the proceedings have gone, and destroying the diseased animal and burning the body thereof, or burying the same at least six feet deep, having first thoroughly disinfected the carcass, so that the infection or contagion shall not spread.

11. Any person against whom a summons is issued under the fifth section of this Ordinance, who shall neglect or refuse to point out any diseased animal, and to assist and lend all possible facility to the person appointed under the fifth section of this Ordinance in carrying out the duties required of them, shall be liable to a penalty of not more than one hundred dollars.

12. The Lieutenant-Governor may at any time order an inspection of all horses and mules within any area described in such order by any veterinary Surgeon appointed under section one of this Ordinance.

13. The cost of such inspection to be paid out of the General Revenue Fund of the Territories, provided the Lieutenant-Governor is satisfied there are sufficient funds available for the purpose.

14. Ordinance No. 1 of 1883 intituled "An Ordinance respecting infectious and contagious diseases of domestic animals" and Ordinance No.

15 of 1884 intituled "An Ordinance to amend Ordinance No. 1 of 1883 respecting infectious diseases of domestic animals," are hereby repealed.

FORM "A."

(Referred to in Section 5.)

In the matter of a diseased

A..... B.....

Complainant,

and

C..... D.....

Complained against.....

I, A..... B..... of farmer, (or the case may be) make oath and say as follows :

1. I reside at
2. I know C..... D..... who resides at and who is by occupation a farmer, or (as the case may be).
3. The said C..... D..... owns, (or has in his possession, or on his premises, or elsewhere, or running at large, a horse, mare, cow, ox or other domestic animal, naming the animal as the fact is) which to the best of my knowledge and belief, (or according to my information as the case may be,) is affected with some infectious or contagious disease, dangerous to life.

Sworn before me at
this day of

18

J. P. }

A..... B.....

FORM B.

(Referred to in Section 5.)

ORDER AND SUMMONS.

In the matter of a diseased

A..... B.....

Complainant,

and

C..... D.....

Complained against.

Upon the application of A. B., and upon reading the affidavit of

I do order that G. H. do forthwith make examination of a certain (here describe the animal) of C. D., in (here describe where the animal is,) alleged to be infected with some infectious or contagious disease, and report the result to me in writing, in pursuance of the "Ordinance respecting infectious and contagious diseases of domestic animals."

On the day of at o'clock in the noon ;
and I do order that the said G. H. do personally appear before me at that time at . And I do further order

that C. D. do personally appear before me at
on the said day of at o'clock in the
noon, to answer the complaint made against him in respect to the said diseased animal.

Dated day of

X Y,
J. P.

FORM C.

Referred to in Section 8.

WRIT OF DESTRUCTION.

NORTH-WEST TERRITORIES, }
To Wit:*VICTORIA by the Grace of God, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, etc., etc., etc.*

TO

GREETING:

I, or we, (as the case may be) command you that you do without any delay, kill and destroy a certain (here describe the animal) at (here describe where the animal is, or supposed to be), owned by, or in the possession of C. D., on his premises or elsewhere, or running at large, wherever the same may be found, and burn, or bury at least six feet deep, having first thoroughly disinfected the carcass, (as the case may be), the body thereof, so that the disease, with which the animal is affected, may not by infection or contagion spread;

And I, or we, (as the case may be) do further command you that of the goods and chattels of the said C. D., liable to seizure under execution for debt, you do levy and make the sum of _____ which I or we (as the case may be), have taxed, allowed and adjudged to A. B., the complainant, for his costs and charges in this matter against the said C. D., the party complained against, in pursuance of the Ordinance in such cases made and provided, as also the sum of _____ dollars for executing this writ; and what you shall have done in the premises, make appear to me, or us, (as the case may be), immediately after the execution hereof, and have then and there the said money and this writ.

Given under my or our (as the case may be) hand and seal.

(Date.)

E. F.

No. 16 of 1885.

An Ordinance to amend Ordinance No. 29 of 1884 intituled "An Ordinance to amend, and consolidate as amended the several Ordinances respecting Fences.

Passed 18th December, 1885.

Whereas it is expedient to amend the above recited Ordinance;

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Section number one of the above recited Ordinance is amended by inserting after the words "Herd District" the words 'or where by-laws have been passed by Municipal Councils under sub-section thirteen of section sixty-six of "The North-West Municipal Ordinance of 1884."'

No. 17 of 1885.

*An Ordinance to amend Ordinance No. 25 of 1884, intituled
"An Ordinance respecting Ferries."*

Passed 18th Dec., 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. All words in sub-section one of section three of the said Ordinance before the words "for every" are hereby struck out.

2. Sub-section two of Section three of the said Ordinance is hereby repealed.

No. 18 of 1885.

An Ordinance to repeal Ordinance No. 9 of 1883.

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Ordinance Number Nine of 1883, intituled "An Ordinance to regulate the disposal of found or stolen horses," is hereby repealed.

No. 19 of 1885.

An Ordinance to amend Ordinance No. 4 of 1883 intituled "An Ordinance respecting Partnerships."

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Section Number Thirteen of Ordinance No. 4 of 1883, intituled "An Ordinance respecting partnerships," is hereby repealed.

NO. 20. of 1885.

An Ordinance to amend Ordinance No 1 of 1884 intituled "An Ordinance respecting the herding of animals."

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council as follows:

1. Section five of the said Ordinance is hereby amended by inserting after the word "may," where it first occurs, the words "between the first day of May and the fifteenth day of October inclusive in each year;" and also by inserting after the word "keep" the words "and properly feed."

NO. 21 of 1885.

An Ordinance to amend, and consolidate as amended the several Ordinances respecting prairie and forest fires.

Passed 18th December, 1885.

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:

1. Any person, who kindles or places, or is a party to kindling or placing fire in the open air in any part of the territories, except for camp or domestic purposes, or for clearing land in the months of December, January, February or March, except as hereinafter provided, shall on conviction thereof pay a fine not exceeding two hundred dollars, with costs of prosecution, and in default of payment be imprisoned for a term not exceeding six months.

Provided always that a person may kindle a fire inside of a ploughed brake, not less than ten feet wide.

2. Any person who kindles, or is a party to kindling a fire in the open air for any of the purposes allowed in the next preceding section, and who neglects taking effectual means, while such purpose is being served, or after it has been served, to prevent such fire from running at large, shall, on conviction, be liable to a fine not exceeding one hundred dollars, with costs of prosecution; and in default of payment, be imprisoned for a term not exceeding three months.

3. Nothing in this Ordinance shall bar or prevent the owner of private property from recovering damages from any offender against the first and second section of this Ordinance.

4. Prosecutions under this Ordinance shall be in a summary manner.

5. The Lieutenant-Governor may appoint fire guardians having the power of constable to enforce the provisions of this Ordinance, who, together with all magistrates, shall have the power to call out any male person within five miles of prairie fire, to proceed at once, and help to extinguish said fire, and any person refusing to do so shall be liable to a fine of ten dollars.

6. It shall be the duty of all peace officers, upon view of any infraction of any of the enactments of this Ordinance, forthwith to arrest the offender, and without warrant bring him before a Stipendiary Magistrate or justice of the peace to be dealt with according to law.

7. In prosecutions upon information under this Ordinance, whereby conviction is secured, and a fine paid or collected, the informer shall be entitled to receive one half of the said fine.

8. Ordinances No. 4 of 1879, and No. 20 of 1883 are hereby repealed.

No. 22 of 1885.

*An Ordinance to amend an Ordinance Respecting Dangerous Lunatics.**Passed 18th December, 1885.*

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows :

1. The first section of Ordinance No. 2 of 1879, intituled : "An Ordinance respecting Dangerous Lunatics," is amended, by striking out the words "and has exhibited a purpose of committing some criminal of fence."

